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U.S. Department of the Interior
Bureau of Land Management
California Desert District Advisory Council

Reporter's Transcript of Proceedings

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1 U.S. DEPARTMENT OF THE INTERIOR
2 BUREAU OF LAND MANAGEMENT
3 CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL
4 ACTING AS
5 RECREATIONAL RESOURCE ADVISORY COUNCIL
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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS
16 SATURDAY, AUGUST 17, 2013
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20 FILE NO. 22862

21 REPORTED BY: DIANE CARVER MANN, CLR, CSR NO. 6008
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MEETING OF THE U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT CALIFORNIA DESERT DISTRICT
ADVISORY COUNCIL ACTING AS A RECREATIONAL RESOURCE
ADVISORY COMMITTEE AT 3400 MARKET STREET, RIVERSIDE,
CALIFORNIA, COMMENCING AT 1:02 P.M. ON SATURDAY,
AUGUST 17, 2013, BEFORE DIANE CARVER MANN, CSR NO. 6008.

APPEARANCES

MEMBERS PRESENT:	REPRESENTING:
RANDY BANIS, CHAIRPERSON	PUBLIC-AT-LARGE
DON HOUSTON	NONRENEWABLE RESOURCES
RONALD V. JOHNSTON	PUBLIC-AT-LARGE, CDD
SETH SHTEIR	ENVIRONMENTAL PROTECTION
KIM CAMPBELL-ERB	RECREATION
JESSICA M. REILLY (PRESENT TELEPHONICALLY)	RENEWABLE ENERGY INDUSTRY
AL MUTH	WILDLIFE
DINAH O. SHUMWAY	NONRENEWABLE RESOURCES

BLM STAFF PRESENT:

TERI RAML, DISTRICT MANAGER (CDD)
STEPHEN RAZO, EXTERNAL AFFAIRS DIRECTOR
DAVID BRIERY, EXTERNAL AFFAIRS STAFF

1 APPEARANCES CONTINUED

3 TOM ZALE, ASSOCIATE FIELD MANAGER, EL CENTRO

4 TIM WAKEFIELD, ASSOCIATE DISTRICT MANAGER, CDD

5 JOHN KALISH, FIELD MANAGER, PALM SPRINGS

6 NEIL HAMADA, DUNES MANAGER, EL CENTRO

I N D E X

AGENDA ITEM:	PAGE:
WELCOME/PLEDGE OF ALLEGIANCE, INTRODUCTIONS, INFORMATION SHARING, EXPLANATION OF PROCESS	5
ISDRA FEE PROPOSAL BRIEFING	9
PUBLIC COMMENT	29
BREAK	46
DAC QUESTIONS ON PROPOSAL/RECOMMENDATION	47
DAC DISCUSSION ON PROPOSAL/RECOMMENDATION	68
DAC DISCUSSION ON RECOMMENDATIONS REGARDING FEE PROPOSAL	75
WRAP-UP AND SUMMARY/ADJOURN	99
MOTIONS	104

1 RIVERSIDE, CALIFORNIA; SATURDAY, AUGUST 17, 2013

2 1:02 P.M.

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4 P-R-O-C-E-E-D-I-N-G-S

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7 CHAIRPERSON BANIS: Hi, ladies and gentlemen.
8 It's 1:02 p.m., and I call the meeting of the Desert
9 Advisory Council acting as Recreation Resource Advisory
10 Council to order at 1:02 p.m. Thank you. Thank you,
11 everybody, for coming. Thank you, DAC members, for
12 rescheduling your calendars and joining us here today,
13 and thank you to the members of the audience for
14 spending your Saturday with us for us to hear your
15 opinions on the matter in front of us. And thanks too
16 to the BLM staff, as always, for giving up that Saturday
17 and being here to help the DAC and the public to work
18 through the issue.

19 Before I move on to introductions, we'd like to
20 rise and say a Pledge of Allegiance.

21 (The Pledge of Allegiance was recited.)

22 CHAIRPERSON BANIS: I'd like to introduce the
23 DAC members, please. If I could start with Don.

24 MEMBER HOUSTON: Don Houston.

25 CHAIRPERSON BANIS: Ron?

1 MEMBER JOHNSTON: Ron Johnston.

2 MEMBER SHTEIR: Seth Shteir.

3 MEMBER CAMPELL-ERB: Kim Campbell-Erb.

4 MEMBER MUTH: Al Muth, wildlife. And I cover
5 Category 3, as well as wildlife.

6 MEMBER SHUMWAY: I'm Dinah Shumway, Category 1.

7 MEMBER MUTH: Special.

8 CHAIRPERSON BANIS: I'm Randy Banis, the chair
9 of this meeting, and I'd like to introduce Teri Raml,
10 the California Desert District Manager. Teri, would you
11 like to introduce any staff today.

12 DIRECTOR RAML: Sure. I will let them
13 introduce themselves starting with Steve Razo.

14 MR. RAZO: Steve Razo, External Affairs, Desert
15 District.

16 MR. BRIERY: David Briery, External Affairs.

17 MR. ZALE: Tom Zale, Field Manager, El Centro
18 Field Office.

19 MR. HAMADA: Neil Hamada, BLM, El Centro, Dunes
20 Manager.

21 MR. WAKEFIELD: Tim Wakefield, Associate
22 District Manager, Desert District.

23 MR. KALISH: I'm John Kalish, normally down in
24 Palm Springs, but I'm on a three-month detail in the
25 district office filling in for Becky LaSalle.

1 DIRECTOR RAML: That's it.

2 CHAIRPERSON BANIS: All right. Today's meeting
3 is a little unusual, or a lot unusual. What is not
4 unusual is, it is the DAC that's familiar with each
5 other, and we've worked together on a number of issues
6 in the past. But what is unusual is the role we're
7 fulfilling today, which is that of a Recreation Resource
8 Advisory Council.

9 The BLM has a fee proposal for the Imperial
10 Sand Dunes Recreation Area, and that fee proposal is
11 required to be reviewed by Recreation Resource Advisory
12 Council members in order for the BLM to move forward
13 with those fees.

14 The California Recreation Resource Advisory
15 Council that is chartered through the Forest Service was
16 unable to consider this item in time for it to be
17 implemented for this upcoming season, and therefore the
18 Desert Advisory Council has been asked to review this
19 matter under the terms of being an existing Resource
20 Advisory Council. I know this isn't exactly the duty
21 that you all have signed up for when you applied some
22 time ago, but I appreciate your being here and
23 fulfilling the duties that we've been asked to do.

24 In order to do so, we first will follow
25 guidance that's provided to the DAC by its guiding

1 documents, and where those guiding documents fall
2 silent, we will draw from the guiding documents of
3 resource advisory councils.

4 And therefore are there any questions before I
5 move on, questions from DAC members? So I apologize for
6 playing through on my gadgets here, but I'm just getting
7 our agenda back.

8 Okay. Let's move on. The first item of
9 business is going to be a fee proposal briefing that
10 will be conducted by the El Centro Field Office staff.
11 And do you want to start with Tom Zale, the field office
12 manager? I'd like to re-introduce Tom to everybody.
13 The floor is yours, Tom.

14 MR. ZALE: Okay. Thank you. Can you guys hear
15 me, or could I borrow this microphone? Okay.

16 CHAIRPERSON BANIS: Pardon me while you're
17 working on the microphone. Stepping a little out of
18 order. I'm sorry. I forgot to introduce another member
19 of the DAC who's participating today, and that's
20 Jessica Reilly. I want to say hello.

21 MEMBER REILLY: Hi. Can you hear me?

22 DIRECTOR RAML: Yes, we can.

23 CHAIRPERSON BANIS: Thank you. The rules of
24 the Resource Advisory Council allow for participation of
25 members through telephonic and electronic means, and we

1 wish to have as many DAC members here as possible. And
2 Jessica, as you know, resides in Northern California,
3 and it would have been of great expense and time to her
4 to join us today. And I appreciate everyone in
5 understanding the latitude granted to her to participate
6 by phone today. So thank you again.

7 The floor is yours, Tom, now that the mic is
8 set up.

9 MR. ZALE: Okay. Thank you, Chairman Banis.
10 Hi, Jessica and the rest of the folks here on the DAC.
11 Neil and I want to thank you for adding a meeting to
12 your schedule this year and giving up another Saturday
13 for us. I appreciate your sense of public service.

14 We're here today to ask the DAC to recommend
15 approval of our fee proposal for the Imperial Sand
16 Dunes. Over the past year or so the BLM has invested
17 substantial time and energy in the preparation of a new
18 Business Plan for the Dunes. We have worked hard to
19 obtain outside input and made many positive changes to
20 the Business Plan in response to comments, suggestions
21 from the County of Imperial, the Imperial Sand Dunes
22 Subgroup, interest groups such as ASA and others and the
23 public.

24 I want to take this opportunity to thank
25 everyone in BLM who helped prepare the plan -- there are

1 many -- and also those who took the time to review the
2 plan and offer thoughtful comments and suggestions.

3 In January, 2013 the DAC visited the Imperial
4 Sand Dunes, and subgroup member Jim Bramham gave a
5 visual vantage point from the vantage point of
6 Osborne Overlook. Neil presented a PowerPoint to the
7 DAC outlining the process we followed to develop the
8 final Business Plan, the changes we made along the way
9 and the next steps in formulating the fee proposal
10 that's before you today.

11 Today we're going to take a step backwards and
12 present a PowerPoint that begins by highlighting the
13 Imperial Sand Dunes as a world-class venue for
14 off-highway vehicle recreation. We put about seven and
15 a half minutes of YouTube video footage and stills
16 together to illustrate the Dunes visitors hard at play.
17 The footage, I think, is fascinating.

18 And I've got to say I wish I had a helmet cam,
19 although my wife tells me no one would be interested in
20 watching the footage between me walking from the couch
21 to the refrigerator, even though I often stumble over
22 two dogs and dirty socks. But anyway, so we have got
23 some awesome footage.

24 But I want to let you know that we've included
25 some footage of things gone wrong and important work

1 that we do to help when bad things happen. Although the
2 footage is not excessively graphic, there are a few
3 shots of people in pain, so be forewarned.

4 I want you to know that I am particularly proud
5 of the men and women who work in the Imperial Sand
6 Dunes. They do a wonderful job and make huge
7 differences on the ground and in people's lives. It's
8 my job to ensure they have the resources they need to be
9 successful. Our employees and partners work hard to
10 make the Imperial Sand Dunes a safe place for thousands
11 and thousands of visitors who recreate in this amazing
12 slice of America's great outdoors.

13 At the conclusion of the video Neil will walk
14 you once again through the process we followed to
15 develop the final Business Plan, the changes we made
16 along the way and discuss the fee proposal that is
17 before you today. Neil will close his presentation by
18 describing the letters that we believe are the best
19 indicators of strong public support for our fee
20 proposal. They are written by the people who know ISDRA
21 the best and who know our program of work there.

22 When Neil is finished, I will have a few more
23 remarks to offer to the DAC to conclude this portion of
24 the agenda. So Neil.

25 MR. HAMADA: I'm Neil Hamada again. Today I'm

1 going to talk to you about our 2013 fee proposal. There
2 we go. I don't know if you can see it in the back, but
3 this first slide here is a photo of Dune Buggy Flats, or
4 Gordons Well. It's a photo of a typical Thanksgiving
5 weekend. All of the circles out there, you can see, are
6 RV's. Can we turn the lights down, maybe.

7 So today I'm going to talk to you about the
8 Imperial Sand Dunes, give you a little bit of a briefing
9 of what we do and what it's about, a description of our
10 fee program and our business plan, financial analysis
11 that we did, the market assessment, socioeconomic
12 impacts for this fee proposal and no-action alternative
13 if we don't move forward.

14 Imperial Sand Dunes is located in the
15 southeastern part of Imperial County and is within a
16 three-hour drive of major metropolitan areas. We get
17 about a million visitors a year. And so this video that
18 I'm going to show you again, as Tom said, is mostly off
19 of YouTube. The music is going to be a little choppy
20 because I didn't want to edit out some of the background
21 sounds, but I think it tells you guys how we operate in
22 the Dunes, why people come to the Dunes and why people
23 enjoy and have historically recreated in the Imperial
24 Sand Dunes.

25 (Video presentation was played.)

1 MR. HAMADA: I hope that gives you a little bit
2 of a flavor of what the Dunes is about, I hope, why
3 people come riding out to the Imperial Sand Dunes and
4 also what we do to keep those opportunities available.
5 The visitors are out there recreating, having a good
6 time while we are out there responding to 911 calls on
7 the holidays pretty much around the clock.

8 So the area that you saw, Imperial Sand Dunes,
9 we provide world-class recreation opportunities in a
10 vast, open sand dune recreation area. As I said, over a
11 million visitors a year. Here's some photos of the
12 social activity, camping in the rings that you saw in
13 the first slide.

14 Our current fee structure is on the board
15 there, \$25 a week if you buy them offsite before you
16 come or \$40 a week if you buy them onsite, \$90 for a
17 season permit or 120 if you buy them onsite. And that's
18 been available since 2004.

19 Fees provide medical services, as you saw on
20 the video. We respond to anywhere between 300 to 800
21 calls per year, and we also do this through the grants
22 that we get through the OHV division, our partners at
23 California State Parks as well as private grants and
24 partnerships.

25 We provide a significant amount of law

1 enforcement in the Imperial Sand Dunes to keep it safe.
2 Just in the four holiday weekends during last season, we
3 made just under 32,000 visitor contacts through law
4 enforcement. Of those 32,000 contacts five percent were
5 issued citations, and 14 percent were issued written
6 warnings.

7 Trash collection in the Imperial Sand Dunes is
8 expensive. However during the last round of contracts
9 we were able to reduce it from \$400,000 a year to
10 \$200,000 a year. But we've also had to cut back on
11 staff time to pick up trash, like you see here. After
12 holidays there's significant amounts of trash in the
13 Dunes, but we are unable to fund that as much as we used
14 to in the past.

15 We have 61 vault toilets in the Imperial Sand
16 Dunes. I think that's more than any other site that I
17 know of in the Bureau. We used to have a \$100,000
18 contract for cleaning those toilets each year. We
19 canceled that contract because we don't have the
20 revenues to continue it. We're trying to do that now
21 inhouse, so our front-office staff in the El Centro
22 Field Office is out there on the weekends. Our
23 maintenance staff, EMT's, paramedics are out there
24 cleaning toilets now.

25 This ADA pad you see here, we're constructing a

1 parking structure as well as a toilet, you see here in
2 the background. Those, incidentally, were funded
3 through federal dollars, and the toilet itself was
4 funded through the stimulus funds.

5 Road maintenance. The road that you see here
6 is the Wash Road, and I think you saw it in the video as
7 well. That road alone gets over a quarter-million
8 visitors a year driving up and down that dirt road that
9 we maintain, and we built it. We used to spend about
10 \$120,000 a year to maintain that road. We almost spend
11 zero on it now. We pretty much just try and keep it
12 open, keep the blowing sand off of it. So we're
13 starting to see some degradation. That picture on the
14 bottom right is a picture after a summer storm.

15 I spoke to you at the previous meeting about
16 ongoing cost-saving measures, and I kind of wanted to
17 summarize here, but most outreach and education programs
18 have ceased unless there are specific grants and
19 partnership dollars available. Maintenance has stopped
20 on most access roads, as I mentioned. That saves us
21 total about \$300,000 a year. Many cleanup days, OHV
22 registration events, information distribution points and
23 ATV safety courses have all been cancelled.

24 Holiday staffing has been reduced. We see a
25 lot of feedback about the number of staff that we have

1 in the Dunes. We've had questions about it. If you
2 look at Riverside here, where we're at today, it's about
3 12 officers per 10,000 residents. El Centro has about
4 15 officers per 10,000 residents. In the Dunes on
5 Thanksgiving we have 3.4 officers per 10,000 visitors.
6 So BLM believes that this is the minimum acceptable
7 level to address the issues in the Dunes such as public
8 safety and resource protection. And although there have
9 been ongoing cost-saving measures and visitation has
10 decreased slightly, serious EMS calls, DUI's and felony
11 arrests are actually increasing.

12 So our Business Plan, we believe, takes a hard
13 look at the numbers. We incorporated feedback from
14 Imperial County, the DAC, the subgroup, OHV
15 organizations and the public at large. We developed a
16 long-term strategy to make the Dunes financially
17 sustainable, and over the past three years we have
18 overspent by \$500,000, and that's not sustainable for
19 us.

20 The plan looks at aligning all of our
21 responsibilities to manage the Dunes, not just the ones
22 funded by the fee program. We take a look at what it
23 takes to provide our visitors what they expect when they
24 arrive at the Dunes -- for instance, responding to 911
25 calls -- and we also discuss what minimum level of

1 service is needed to continue to allow us to provide
2 sustainable OHV opportunities in the Dunes.

3 On the draft Business Plan, we had 236
4 comments, and I have them up on the board. And I
5 believe the Business Plan that you've all reviewed has
6 more detail, but I'll just cover a few of these things.

7 We increased our opportunity for public
8 involvement by adding three comment periods. We had
9 public meetings. Social media has been great for us,
10 our Facebook posts. We get out to tens of thousands of
11 people per week through our social media outreach. We
12 added additional fiscal detail, refined our
13 calculations. We better described our legal authority
14 to collect fees, and we added a second-vehicle permit at
15 a reduced cost and a season permit.

16 We categorize these into ten comment themes,
17 and these are the remaining ones. We also reduced the
18 amount that we were initially proposing. We increased
19 our grant and federal contributions and allocations for
20 the Business Plan to keep fees lower. And it included
21 the option for the second-vehicle permit and a no-fee
22 period in the summer to help address socioeconomic
23 impacts then overall reformatted the entire Business
24 Plan per public comment.

25 After the subgroup meeting in April we had

1 another 103 comments come into the BLM. Those comments
2 were categorized. Many fell into the previous
3 categories, but we had some new ones. One main comment
4 was, they wanted to make sure that we had a season
5 permit, so we made sure to include that in the final
6 plan. People were concerned about the amount of the
7 proposed fee, and so we actually reduced the proposal
8 and included incremental increases. And people were
9 still concerned about fiscal accountability, so we
10 included even more detail.

11 So a summary of changes between the draft and
12 final, the formatting, as I mentioned. We were able to
13 update the plan because we had new data in the meantime
14 that had come in from 2012. Additional fiscal detail,
15 we added a detailed discussion of the regulations,
16 policies and planning that guides management. We added
17 a narrative regarding the level of services that we
18 needed in the Dunes. We included details on the fee
19 structure concepts that were considered but eliminated.
20 We expanded the section on public participation and
21 revised the socioeconomic analysis.

22 Once we released the final Business Plan, we
23 received another 26 public comments. Most of those fell
24 into these two categories. The front cover of the plan,
25 that photo there on the left, individuals felt that this

1 didn't represent the recreational activity in the Dunes.
2 However BLM placed that photo on there to show some of
3 the services that we provide. That particular photo
4 there shows partnership between the BLM with Border
5 Patrol, who provides emergency medical services through
6 coordination with our staff free of charge to the
7 visitors, and on the left there's a law enforcement
8 officer there. He is from the Imperial County Sheriff's
9 office, who's funded through the County as well as State
10 grants. And then we also received support for the fee
11 increase.

12 So in the final Business Plan, we took a hard
13 look, as I mentioned, in trying to keep our costs low.
14 In 2003 an independent contractor looked at our
15 operation and said at a bare minimum we needed
16 \$6.1 million to operate just to keep the doors open. In
17 April 18th this past year we had a meeting with the
18 subgroup and proposed a \$5 million budget, but folks
19 still said that was too high. And so in the final we're
20 proposing a \$4.5 million budget spread out into these
21 business lines here: administration, EMS, law
22 enforcement, maintenance and resource protection.

23 So in the Business Plan we identify the three
24 revenue sources: appropriated funding, grants and fees.
25 And these are how it lines out to meet our \$4.5 million

1 budget, 67 percent of that being from the fee program,
2 23 from federal funds and 10 percent from grants.

3 So our proposed fee structure in 2014 is for a
4 fee increase for onsite permits for weekly at \$50, for
5 offsite at 35. Most of our permits sold are weekly
6 permits. The season permit would increase to \$150. And
7 then needed in 2016 there would be another increase, 165
8 for season, 55 for week onsite and then 40 for a week
9 offsite.

10 And I almost skipped one. The second week
11 permit online discount would be available. If somebody
12 bought a full-price permit, they could buy a second
13 permit with that permit at a discounted price, and they
14 could either use that for a second vehicle or tell us
15 they wanted it to use it for a subsequent trip. So if
16 somebody bought a permit for Thanksgiving and said, "I'd
17 like to buy another permit, but I want you to stamp the
18 date for New Year's," they could use it then.

19 MEMBER SHUMWAY: So they'd get a discount for
20 coming twice.

21 MR. HAMADA: So in the proposed fee structure
22 we also want to propose that we change the current hang
23 tag season permit to a sticker. I have an example of a
24 zombie-hunting permit right there. The sticker would be
25 affixed to the vehicle and would not be removable. We

1 hope this will alleviate some of the sharing and passing
2 and reselling of the permits onsite and out of the rec
3 area to increase the level of compliance.

4 Again the asterisk there, we want to reserve
5 the right to not increase in 2016 if not needed. If we
6 feel that the fee program is sustainable at that point
7 without a fee increase, we would hold off.

8 The fee period would be also proposed to change
9 from October 1 to April 15th. Currently it's all year
10 round, 365 days. We're proposing to change it from the
11 beginning of the season, October 1, through mid April.
12 What that means is, Easter would sometimes fall in the
13 free period to help address some of the socioeconomic
14 impacts. So this year -- I didn't put the numbers in,
15 but the light-green date in April, that's Easter. And
16 so depending upon when spring break is, because each
17 school system is different, spring break could be in
18 part of the free period.

19 We'd also like to propose free short-term
20 parking areas. Some of these are already free, but we
21 want to include them in the plan and solidify this
22 decision. Osborne Overlook and Plank Road historic
23 site, those are exempted per FLREA, Watchable Wildlife
24 Site. But we want to include short-term parking at
25 Cahuilla Ranger Station and the Buttercup Ranger

1 Station. We would sign those to make it clear, but we
2 want to exempt those from having to charge fees for
3 somebody to stop at short-term parking.

4 So during the June 27, 2013 meeting the
5 subgroup adopted this motion on here on the board. And
6 BLM remains committed to open discussion about the
7 feasibility of alternative fee structures and methods of
8 fee collection. The discussion however will need to be
9 based on options that are realistic for BLM,
10 economically feasible and allowed under law and policy.

11 For example we researched the feasibility of a
12 cost-recovery program for search and rescue and
13 emergency medical services in the Dunes, and it's
14 prohibited by the National Search and Rescue Plan of the
15 United States, which was signed by the Secretary of
16 Interior. So it's in the motion, and we looked into it,
17 but we are prohibited from doing it.

18 On the other hand BLM has already incorporated
19 one of the requests the subgroup made, the
20 second-vehicle permit. And we understand that the
21 subgroup and the BLM need to have further discussion on
22 this permit and possibly more changes. However the
23 second-vehicle permit, as well as the inclusion of the
24 season permit, a free period, the reduced incremental
25 fee increase are all indications that BLM is listening,

1 and we will continue to communicate with the public.

2 MR. STOVIN: I'm Ed Stovin.

3 CHAIRPERSON BANIS: We'll be taking questions
4 later. I want to make sure we get through the full
5 presentation first. Thanks.

6 MR. HAMADA: This slide shows a market
7 analysis, and although these sites are the most similar
8 to the Dunes or open OHV sites in the west that charge
9 fees, we feel it's really comparing apples and oranges
10 because none of these sites provide the vast, open sand
11 dunes, like Imperial Sand Dunes. None of them are
12 40 miles long, five miles wide and provide the range of
13 opportunities we do. None of them provide these
14 opportunities so close to major metropolitan areas in
15 California and Arizona. And none of them experience the
16 same level of visitation and complexities in management.

17 The other day Chairman Banis did some research
18 indicating what changes had occurred in fees in some
19 other sites. Disneyland since 2003 has gone up
20 96 percent for a single day. Mammoth Mountain went up
21 70 percent for a single-day lift ticket. Torrey Pines
22 went up 70 percent. I also looked into California State
23 Parks, and the State Parks annual day pass went up
24 65 percent, from 125 to 195.

25 The proposed Imperial Sand Dunes annual fee

1 increase would be about 67 percent. So they're in line
2 with these other sites. Our proposal also provides a
3 range of options. For instance, if a visitor comes to
4 the Dunes four times per season, they can opt to
5 purchase four weekly permits online in advance. This
6 would equal \$120 if they use the online discount.

7 Overall the BLM has worked hard to keep our
8 costs low as possible to keep the fees as low as
9 possible, and this current proposal is below the
10 proposed fees in the 2003 Business Plan, which was \$180
11 a season, \$60 a holiday week and \$30 for a regular week.

12 If no action is taken, the available funds to
13 manage the Dunes would be about 33 percent less than
14 what we believe is necessary to manage the Dunes. The
15 Business Plan provides more detail on how each of these
16 five business lines would be affected. But some of the
17 examples are, there may not be enough EMS staff to
18 respond to 911 calls; there may not be enough law
19 enforcement to respond to 911 calls; toilet and trash
20 services could be reduced and/or eliminated; camping
21 areas could be decreased or closed; unsafe and sanitary
22 conditions would happen. And if no action alternative
23 is taken, then those are some of the results.

24 Under social and economic impacts, we
25 considered the impacts to low income or impoverished

1 communities and minorities, which are collectively
2 termed "underserved communities." The average Dunes
3 visitor is described there. He's middle-aged white
4 male, some college education, living in the metropolitan
5 areas in Southern California or Arizona. And eight
6 percent of the visitors live at or below the poverty
7 level.

8 Considering, though, through the discount
9 program permits are available at 25 and that the length
10 of the fee season has been shortened, those unable to
11 pay this negligible increase would still have access to
12 the opportunities and experiences provided at the Dunes.

13 So in summary the fee program funds important
14 services needed to maintain sustainable OHV recreation
15 in the Dunes. The Business Plan clearly articulates the
16 rationale for a fee increase, our funding strategy for
17 the next five years, and we included significant public
18 input.

19 The proposed offsite weekly permit is
20 39 percent lower than the market average, which is about
21 80 percent of our permit sales. The proposed season
22 permit provides a savings for those who visit five or
23 more times a year in comparison the State Park permit,
24 where you have to visit 12 to 15 times per year to
25 realize that savings. The proposal results in a less

1 than one-point increase to the cost of an average trip.

2 The no-action alternative would result in
3 unacceptable loss of OHV opportunities. The BLM
4 completed extensive public outreach and incorporated
5 comments and suggestions from Imperial County, the
6 subgroup, OHV organizations and the public into our
7 proposal. These letters of support are from elected
8 officials, individuals and organizations. And these are
9 the folks that know our program best who we work with
10 day in and day out and communicate with regularly. And
11 additionally we received conditional support letters
12 from these groups here listed on the site.

13 And with that, I will conclude my presentation.
14 And Tom has some closing remarks.

15 MR. ZALE: Thanks, Neil. So by way of closing
16 remarks, I want to take this opportunity to briefly
17 touch on some of the issues and concerns expressed in
18 letters that conditionally support our fee proposal.

19 First we believe that we have satisfied all
20 applicable noticing and other procedural requirements.
21 Indeed the meeting today was rescheduled to ensure there
22 was sufficient public notice of the meeting in the
23 Federal Register.

24 Second, concerns about the manner in which we
25 collect fees and the costs associated with fee

1 collection are not new. Our Washington office subject
2 matter experts and Department of Interior solicitors
3 have reviewed our fee-collection program and associated
4 contracts a number of times over the years and as
5 recently as this past week. We believe that we're on
6 solid ground with respect to the manner in which we
7 collect fees.

8 With respect to the cost associated with fee
9 collection, I am pleased to announce that we are
10 awarding a new fee-collection contract for the upcoming
11 new season. I can't share the details yet, but I am
12 confident that people will be satisfied that BLM has
13 reduced the cost of fee collection. Additionally I want
14 you to know that we are continuing to aggressively
15 pursue funding through the California Off-Highway
16 Vehicle Grants Program and that we have already
17 requested additional appropriated funds for fiscal
18 year '14.

19 Finally I want to reiterate our willingness to
20 continue meaningful dialogues with the ISDRA subgroup
21 and our partners about visitor counts, one-day passes
22 and expanding a second-permit option to include season
23 permits. I am concerned however the conditions
24 suggested by some of the commenters imply predetermined
25 outcomes and/or timeframes that are too short for

1 evaluation of the new fee structure and the new
2 fee-collection contract.

3 At the end of the day I believe we share the
4 common goals that visitors to the Imperial Sand Dunes
5 have a clean, safe, family friendly slice of America's
6 great outdoors in which to recreate and that the
7 services we provide for the fees we receive meet
8 people's needs in a cost-effective manner.

9 In California the BLM's strategic framework is
10 built on a foundation of operational excellence and the
11 core values of public service, integrity and
12 accountability. These values are reflected in our fee
13 proposal for the ISDRA. And I encourage the DAC to
14 recommend approval of the fee proposal without including
15 conditions that may produce unintended consequences. So
16 thank you.

17 CHAIRPERSON BANIS: Neil, Tom, thank you very
18 much for the presentation. I appreciate the time that's
19 gone into a fresh, new presentation for the DAC. This
20 is the third time in a year essentially the DAC has
21 heard on this issue. And thanks for the fresh, new
22 information that that contained.

23 The next item on the agenda is public comment.
24 We didn't work through a card system, did we? Do we
25 have some? I only have two. Let's take just a minute

1 and continue to collect cards. And my apology. Usually
2 at the beginning of the meeting I call for cards and
3 call for them to be submitted to the front before we get
4 started, but I'm going to give a little latitude on
5 that, and let's say for the next five minutes, if you're
6 still writing out a card, take your time, and it will
7 make it up to me.

8 In the meantime I'm just going to start with
9 the top of the pile that's been handed to me, please,
10 and recognize Dick Holliday, Richard Holliday, back to
11 speak in front of the DAC. Nice to see you again.
12 Appreciate your coming out, Dick. Dick will be followed
13 by Jim Bramham and Robert Gagliano, please. Thanks.

14 MR. HOLLIDAY: I want to read this because I
15 don't speak real well, so I can make sure I get all my
16 comments in first. I'd like to say that I believe a fee
17 increase is needed to maintain the infrastructure at the
18 ISDRA. The last increase was ten years ago, and cost of
19 operations have increased during that time, so an a
20 increase is needed.

21 But I would ask that I would like to point out
22 three areas where you need to ask questions and form an
23 opinion as to whether the current proposed increase is
24 totally justified. The first issue is the way fees are
25 collected. Currently the BLM collects fees from every

1 primary vehicle that enters the recreation area. The
2 BLM has coined the term "primary vehicle" in 1998
3 defined as every street-licensed vehicle that enters the
4 recreation area. This was acceptable under the previous
5 authorization for fee collections. The fee demo law
6 allowed the BLM to collect an entrance fee from every
7 street-licensed vehicle that entered the recreation
8 area.

9 However this authorization was negated with the
10 passage of the FLREA law in 2004. The FLREA law
11 prohibited the BLM from collecting entrance fees
12 anywhere in the country. The FLREA authorized the BLM
13 to collect only three types of fees: a standard or
14 expanded amenity fee and a special recreation permit.
15 The special recreation permit was for areas where
16 amenity fees were not authorized. So the BLM should be
17 collecting an SRP, special recreation permit, from each
18 vehicle that is using the recreation area for special
19 recreation and not just to enter the recreation area.

20 The second issue is the amount of the fee
21 revenue spent to collect fees. The BLM in 2012 spent
22 \$888,000 on the fee management and 109,000 on overhead
23 out of \$2,278,000 collected. The FLREA law limits the
24 amount for administration overhead and indirect costs to
25 15 percent. The BLM designates that the fee-management

1 cost is a direct cost, so they can spend as much as they
2 want for fee management. They spent 43.8 percent of the
3 fees collected for fee management and overhead in fiscal
4 year 2012. The amount of visitor fees used to collect
5 fees needs to be drastically reduced.

6 The last issue is with the reporting of
7 visitation numbers and the calculation of fee
8 compliance. I have calculated the number of visitors
9 reported is overstated by an order of magnitude. Now
10 the latest Business Plan states that this visitation
11 number could be as much as five times too much. This
12 gross overestimation of visitation undermines the BLM's
13 credibility with all other data they provide. Also the
14 overestimation of compliance values have allowed the
15 current fee contractor to receive hundreds of thousands
16 of dollars in fee-compliance bonuses over the last five
17 years.

18 CHAIRPERSON BANIS: Continue.

19 MR. HOLLIDAY: The BLM needs to design a
20 reliable method of fee-visitation counting that
21 corresponds to the amount of permits sold and accurately
22 calculates the fee-compliance percentage. I would
23 suggest that you conditionally approve this fee increase
24 with the conditions that the BLM start collecting fees
25 according to the current authorization specified in the

1 current law starting with the 2014-2015 season; have the
2 BLM generate a performance goal for the cost of fee
3 collection; and report back each year to the DAC on how
4 they are working toward that goal; and finally to start
5 reporting the true visitation and compliance numbers to
6 the public. Thank you.

7 CHAIRPERSON BANIS: Thank you very much, Dick.
8 Appreciate you again coming up and sharing that with us
9 today. And most of the DAC members heard from Dick as
10 well from his comment letters. Dick was a former member
11 of the Desert Advisory Council and a longtime member of
12 the Imperial Sand Dunes subgroup and even a TRT that
13 existed before that.

14 Speaking of another gentleman who has had that
15 same similar long history with this project, like no
16 stranger to the DAC, is Jim Bramham. Jim, the floor is
17 yours. Thank you.

18 MR. BRAMHAM: Well, thank you. And, yes,
19 Fred Flintstone and I went to school together, so I've
20 been around awhile. I want to thank you all for coming
21 today. We really appreciate your taking an interest in
22 this and appreciate your being here. I supplied
23 comments at every level of this, and I'm sure you
24 received the ones that we just did.

25 A couple of things I'd like to say about the

1 presentation that Neil made. One of the things that
2 they said is that they have spent \$500,000 over in the
3 last couple of years and that's not sustainable. They
4 also just announced that they reduced the fee-collection
5 contract by probably that number. And that makes the
6 entire process potentially moot if you were to just keep
7 the fees where they are and reduce the amount that
8 you're paying to the contractor.

9 Secondly less than a thousand people in EMS
10 calls, that makes a one-tenth of one percent. You have
11 a 99.9-percent chance of attending the Dunes and not be
12 involved in an accident. A thousand is one-tenth of one
13 percent of a million visitors.

14 I just drove this week from Sacramento to
15 Kennewick, Washington to Sacramento and to this meeting
16 and during that period of time witnessed six accidents
17 on the highway -- not witnessed them but was there after
18 the math. It happens. And multiple of those were
19 fall-asleep-at-the-wheel accidents, which are not using
20 your head while you're operating a vehicle, which is
21 what we see here, single-vehicle accidents.

22 In the period of time since a proposal for fee
23 increase was withdrawn in 2009, this proposal was done
24 in 2009 and was supposed to go to the RRAC to increase
25 fees at that point. It was withdrawn by the Bureau.

1 During the interim period of time we've had two Desert
2 District managers, three field managers, three subgroup
3 chairs and an 80-percent turnover in the subgroup. But
4 what we haven't had a change in is the public's desire
5 to have second- and first-vehicle or one-day passes.
6 And we continue to ask not for the DAC to have an
7 outcome that's predetermined but only that they put a
8 condition that the Bureau continue to look at those two
9 things either through the subgroup or an independent
10 group.

11 The public has not had their issues addressed
12 on this subject. Yes, we've talked about it at some
13 subgroup meetings, and yes, there's been some
14 conversation, but it still continues to come up in
15 comments.

16 And our other fear -- or personally my fear is
17 that we have Green Sticker grants, or OHV grants, and we
18 have appropriated dollars calculated into this plan.
19 There's estimates in there. The question is whether
20 those become bedrock and solid without any increases,
21 and so is there an incentive for the Bureau to apply for
22 more grants? And if they do, will they apply them to
23 Dunes management, or if more appropriated dollars become
24 available, will they also try to get those, and will
25 they apply them to Dunes management? Or will they just

1 take any potential increase to the El Centro Field
2 Office and place it somewhere else to ensure that the
3 fees have to stay high?

4 They are proposing to increase fees in a couple
5 of years. I would propose to you that we should be able
6 to decrease fees in a couple of years. If we can
7 increase appropriated dollars, keep the cost of
8 collection down, get more grants and make a better way
9 of managing the Dunes, we should be able to go the
10 opposite direction in a couple of years, not up.

11 CHAIRPERSON BANIS: Thanks, Jim. I have next
12 Robert Gagliano followed by Mike Miller.

13 MR. GAGLIANO: I want to thank the committee
14 for listening to my comments. I'm talking as a private
15 citizen who recreates with three generations of my
16 family at the ISDRA like 35 to 40 nights a year. This
17 is an important part of the our lives, and we care very
18 deeply about the Dunes. We also recognize there are
19 costs involved in managing this national treasure.

20 I want to acknowledge that I appreciate the
21 dedication of BLM staff at the Dunes. They are
22 definitely good people who serve at that occasion.
23 However I strongly urge this committee to require the
24 BLM to modify this severely flawed proposal as a
25 Business Plan for the ISDRA.

1 By BLM's own admission they do not have
2 accurate visitation statistics, and they do not have
3 accurate accounting of past expenditures. Yet they
4 expect you to approve their request for significantly
5 higher user fees in the future based on their guesses of
6 what has happened in the past. I could talk for hours
7 about the flaws this document contains. Examples of
8 excess abound.

9 Since the last time fees were increased in
10 2003, the United States inflation rate was about
11 27 percent, yet with only their guesses, they wish to
12 raise fees by about 66 percent. They've also
13 hyperinflated resource requirements. Just one example,
14 in their plan BLM suggests it needs six full-time road
15 maintenance workers for maybe 12 miles of paved and
16 unpaved roads. Across the nation there are
17 approximately four million miles of paved and unpaved
18 roads with 140,000 maintenance workers. Do the math.
19 BLM only wants 14 times the staffing to maintain roads
20 compared to the national average. Again this is but one
21 example of the excessive claims contained in this
22 seriously flawed document created by guesses.

23 Despite claims otherwise, this plan also fails
24 to comply with the fee-collection requirements of FLREA.
25 This flawed plan collects a camping fee which the ISDRA

1 lacks the infrastructure to collect. I would hope you
2 would not approve a flawed plan that is outside the
3 limits of the United States law.

4 In their presentation just moments ago they
5 made comments that the public overwhelmingly supports
6 this concept. However if you look at the book over
7 there on that table and you read the public comments,
8 you're not going to find very many comments supporting
9 this fee increase.

10 I respectfully ask this committee to require
11 the following changes be made to this flawed plan before
12 you approve any sort of a fee increase:

13 Reduce any fee increase to no more than a
14 cumulative inflation rate since the last fee increase in
15 2003, and ensure that no further increases be made until
16 accurate and independently verifiable visitation expense
17 and resource data is available and freely shared with
18 the duning community, whose fee money is being spent.

19 Require BLM to collect fees in a manner
20 consistent with federal law and not what is easiest for
21 them. Eliminate the concept of an annual pass sticker.
22 retain the hang tag system that has been successful for
23 the last decade.

24 I use four different legally registered
25 vehicles to go to the Dunes, but I can only drive one at

1 a time. Why do I have to buy four passes to drive my
2 legally owned and registered vehicles?

3 Thank you very much. I do hope that you will
4 stop this plan that's based on guesses and require the
5 BLM to correct its management of user fee dollars.

6 CHAIRPERSON BANIS: Thanks, Robert. Thank you
7 very much. Thanks for putting those down in advance. I
8 appreciate that. Mike, thanks for coming. Mike Miller,
9 you have the floor.

10 MR. MILLER: Thank you. Good afternoon. I've
11 got to comment on a couple of things I'm pretty familiar
12 with. One is law enforcement. The figures given for
13 the amount of officers needed per 10,000 people out in
14 Imperial Sand Dunes is ridiculous. I worked in a city
15 of 63,000 people, and on any given shift we would have
16 at most four deputies, three, and now we're down to two
17 with recent cuts.

18 Glamis has got to be one of the over policed
19 pieces of dirt I've ever seen in my entire life.
20 Clearly there's an area there that cuts could be made.
21 One is example is, on New Year's eve you can be out
22 there right after Christmas, watch New Year's come, and
23 suddenly 40 brand-new BLM vehicles appear where the
24 crowds haven't increased significantly, yet suddenly
25 there's an overwhelming number of BLM rangers out there

1 stopping anything that moves around the drags, around
2 the flats area where vendors are at and along
3 Gecko Road. It's an extreme us-against-them mentality
4 they have. I've experienced it myself. And that's all
5 I have to say on that matter. They definitely could
6 take some cuts in that area.

7 Also the hanging tag fee, as Bob had said, has
8 been quite convenient. You know, I have a truck. I
9 drive that out to the Dunes. I have a motorhome. If I
10 want to switch over the tag to that, I can drive it out
11 there. I don't see why I have to buy two passes to get
12 me and my family out there, which also brings up the way
13 that the visitor numbers are calculated out there.

14 Three per vehicle is insane. I'm in a group of
15 about 15 families. Out of those 15 families I'm the
16 only one that has three in my vehicle. One other family
17 has four in their vehicle. The rest are either couples
18 or single guys out there to enjoy the weekend. So where
19 does three come from?

20 And then they use a highway counter to
21 calculate this number. Every time an axle goes over, I
22 guess we calculate two axles per vehicle, so a trailer
23 equals two vehicles. And then we have six people going
24 out there, where it could be one guy driving that
25 vehicle. And then to use the counter on the 78 to

1 calculate these numbers, where the 78 isn't just people
2 going to Glamis. It's trucks driving over that.
3 There's all kinds of traffic going across through there.
4 And this is, you know, one of the reasons why the
5 inaccuracy of their total visitor numbers is hard to
6 believe, you know.

7 And recent economic times, I personally
8 witnessed a reduction in the amount of visitors to the
9 sand dunes, yet they're claiming there's still the same
10 number there was ten years ago. Also 15, 20 years ago
11 when I started coming out to Glamis, it was free. I
12 camped on dirt and enjoyed the Dunes. Now I'm being
13 asked to pay \$150 or more so I can camp in the dirt.
14 Only difference is, now I get to see brand-new, shiny
15 BLM vehicles driving around everywhere. Thank you.

16 CHAIRPERSON BANIS: Thank you very much, Mike.
17 I appreciate that very much. Hi, Bob, Bob Hamm. I'd
18 like to introduce Bob Hamm, a member of our ISDRA
19 Subgroup for many years. Bob, thanks for coming up and
20 saying hello. Hope retirement is treating you well.

21 MR. HAMM: Thank you. Not so much today. I'm
22 fighting a cold, so bear with me a little bit, please.

23 CHAIRPERSON BANIS: Thank you, Bob.

24 MR. HAMM: I was also formerly on the TRT with
25 some of the others since almost the beginning, I guess,

1 and was formerly a member of this body --

2 CHAIRPERSON BANIS: That's exactly right.

3 MR. HAMM: -- 1981 to 1987, so we kind of
4 looked at some of the same issues going back then. I do
5 serve on the subgroup at the pleasure of the Board of
6 Supervisors of Imperial County, and they did send their
7 letter. It was, I guess, taken as total support, which
8 they are supportive of, but they had a similar
9 reservation still that they want to continue to work on,
10 and that is the single-vehicle permit and single day.

11 And that's -- quite simply, when we talked
12 about underserved communities, and the numbers on the
13 surveys show that there are not a lot of them out there,
14 yet it happens to be smack dab in the heart of an
15 underserved community.

16 Imperial County, the numbers were just out this
17 weekend. Once again they're not the highest
18 unemployment in the nation. Yuma beat us this month,
19 and so we're only the highest in the state. But that's
20 been a perpetual thing. So times are tough there.

21 We did insist that we got the annual pass back
22 because a lot of our residents do go out single days.
23 You know, at the drop of a hat they can go out there.
24 Others can't even afford at a single time at the
25 beginning of the year to buy that annual permit, but

1 they would still like to be able to go for single days,
2 and the cost of having to buy a weekly permit gets a
3 little bit difficult. So it is something that is -- I
4 know it's difficult to administer. We've asked that
5 they continue to do that.

6 There have been a couple of other things that
7 were asked that we continue to work with, and all I
8 ask -- this is from the County Board of Supervisors --
9 is that we continue to work on that, we keep this open,
10 make it a dynamic kind of a plan and that, if we do
11 that, let's get started early and have some think-tank
12 meetings at the subgroup and start figuring out how we
13 can tackle some of these issues. There's got to be a
14 way to do it.

15 Other places have daily passes and have found a
16 way to sell them and make it work, even if they were
17 only sold locally, because quite frankly, if you're
18 going to come for a single day, you probably are local.
19 You're not coming down from Bakersfield or something
20 like that to spend a single day. So there are ways to
21 limit how they're sold or where they're sold, and maybe
22 that's a way to get started. So thank you.

23 CHAIRPERSON BANIS: Thanks, Bob. Good to see
24 you again. Thanks again for coming. Last card I have
25 is from Nicole from the ASA. Thanks for coming all the

1 way up today. Nice to see you again, Nicole.

2 MS. GILLES: Nice to see you too, Randy. Thank
3 you for having us. The American Sand Association is a
4 non-profit organization, and we represent 35,000 OHV
5 users and about 225 businesses. We believe that the BLM
6 has made an attempt at providing additional information
7 in this revised plan, but it falls short of that
8 requirement to evaluate the resource requirements
9 claimed in the plan as well as the financial decisions
10 that result from the unsubstantiated data.

11 We have sent several comments, and I'm
12 paraphrasing from our last comment letter that we sent
13 in. While the ASA wants to assure that the BLM has the
14 appropriate funding necessary to properly manage the
15 ISDRA, we offer our conditional support of the
16 Business Plan, providing the DAC acting as the RRAC
17 requires the BLM to address and revise the following
18 items in the fee proposal derivation:

19 No. 1, reduction of the amount of the fees
20 collected that are used for administering the
21 fee-collection program. The FLREA specifies that the
22 agencies are to use a maximum of 15 percent of the fees
23 for administration, overhead and indirect costs.

24 No. 2, address and correct the derivation of
25 the ISDRA visitation values used to determine and

1 administer the fees. Visitation numbers reports are a
2 major component of the derivation in the amount of fees
3 needed to operate the ISDRA and is also the basis for
4 the fee-collection compliance value. The annual fee
5 increase should not exceed the government's published
6 inflation rate. And I don't have to go into a lot of
7 detail on that because Bob Gagliano already put specific
8 amounts on that information.

9 And we also are encouraged to see that the
10 final plan is talking about really using the Desert
11 Advisory -- or the DSG to be part of this task force to
12 look at the second-vehicle permit, because we do think
13 that initially when that was recommended that that was
14 more of a second-vehicle permit for a season pass, not
15 for like a weekly pass.

16 So these are the things that the ASA is
17 requesting that you consider today. Thank you very
18 much.

19 CHAIRPERSON BANIS: Very good. Thank you
20 again, Nicole. Last call from anyone from the public?
21 Come on up. Done with the cards and just want to give a
22 last chance that everybody has been heard. We're a
23 minute or two ahead.

24 MR. STOVIN: My name is Edward Stovin. I'm
25 representing CORVA, and I'm on the subgroup also. I've

1 read the Business Plan, and I've heard the BLM's
2 justification for their fee increase. Despite a few
3 reservations, I pretty strongly recommend that you adopt
4 this fee increase. And I personally don't like fees,
5 especially to go camping in the desert, and fee
6 increases just -- it's like a knife turning in me. But
7 the service that the BLM provides is crucially
8 important. I mean, I personally have been hauled out of
9 the desert injured, and I was really thankful that they
10 had what they need today get me out of there, and the
11 BLM has that.

12 We need law enforcement. I don't know if you
13 guys remember the shootout in the desert about ten or 12
14 years ago in the Dunes. Two camps were actually
15 shooting at each other. Well, that made a big turn in
16 how the Dunes were viewed by the public. I still have
17 people talking to me about, you know, the law and
18 disorder that happens out there, and we need law
19 enforcement out there, and it costs money. We need the
20 restrooms taken care of. We need the trash hauled out.
21 It would be nice if people took their trash home, but
22 that's just not a reality.

23 So as much as I hate fee increases and
24 regardless of how many people go to the Dunes and what
25 percentage of them get a pass, there's a number of

1 people that are buying passes, and that much money is
2 going to the BLM, and that number just needs to go up.

3 The BLM doesn't have control over the grants or
4 the appropriations. They only have control over the
5 fees, and they need more money to operate the Dunes to
6 keep it safe and to keep it a nice place. And that's
7 the only place where they need to raise the fees. So I
8 personally support the increase in the fees.

9 CHAIRPERSON BANIS: Thanks for coming, Ed.
10 Hearing and seeing no further public comments, I'd like
11 to allow the DAC a break. We have 15 minutes allotted
12 in our schedule. Any objections to that? We'll take a
13 break, about 15 minutes. We'll be back at 2:25, please.
14 That's 2:25. Thanks very much. Recess.

15 (A brief recess was taken.)

16 CHAIRPERSON BANIS: Hi, ladies and gentlemen.
17 If you would be kind enough to take your seats, and
18 we'll begin the second half of our meeting. I call the
19 meeting back to order at 2:25 p.m.

20 This next part of the agenda is discussion by
21 the DAC on the item. What I'd like to do first, please,
22 is to give DAC members an opportunity to ask questions
23 of the BLM to clarify anything from the proposal or
24 their presentation today. Are there any questions?
25 Please try to phrase them as much of a question as you

1 can. We'll have ample opportunity to make statements at
2 points -- I promise you that -- but I just want to start
3 with questions if we have that. Ron, please.

4 MEMBER JOHNSTON: I just have a couple. Neil
5 and Tom, regarding the \$500,000 deficit that the
6 Imperial Sand Dunes operation has been running, how much
7 of that will be offset? Forgetting about reductions in
8 the collections cost, how much of that will be offset by
9 the fee increase based upon the visitor count that is
10 being used and in anticipation of, let's say, a
11 10-percent-per-year annual loss in visitation count over
12 the first, let's say, three years of operation?

13 MR. ZALE: I want to make sure I answer this
14 correctly. The offset would be completely -- well, the
15 deficit, I guess, would be completely offset by what
16 we've proposed. We didn't base the fee structure that
17 we're proposing on the visitor counts per se. We're
18 looking more at the revenue that's generated by selling
19 the passes and then what our expenditures have been.

20 And so it's actually -- you know, we have a
21 revenue target that's laid out in the Business Plan for
22 fees and then some assumptions or projections about what
23 a federal-appropriated dollar component would be and
24 about what Green Sticker dollars would be added to that
25 whole-cost target that would fund our program of work

1 that we think is the minimum program of work necessary
2 to accomplish.

3 MEMBER JOHNSTON: So all in all you're saying
4 that the end result would be revenue neutral. Is that
5 what you're saying?

6 MR. ZALE: Basically yes, with -- I mean,
7 there's some small caveats I need to make. In the first
8 couple of years there would be a small carryover that we
9 would use to begin the next season. In the 2016
10 timeframe the way the Business Plan proposed fee
11 structure is laid out, without an increase we would
12 begin to run in the red.

13 MEMBER JOHNSTON: Thank you.

14 CHAIRPERSON BANIS: Good? Hi, Seth. Seth, the
15 floor is yours. Questions?

16 MEMBER SHTEIR: I've got two questions related
17 to EMS, SAR and law enforcement. And the first one is,
18 what's been the trend in law enforcement emergency
19 services and SAR, search and rescue, costs over, say, a
20 five- to ten-year period? What's been the increase or
21 decrease in the costs?

22 MR. ZALE: Well, I think our costs have
23 continually risen. In terms of trends with law
24 enforcement, you know, we have over the last couple of
25 years, as Neil described, reduced the number of staff

1 that we make available on big holidays to try to stay
2 within, you know, our means. We have shifted our focus
3 from, you know, writing the citations for no whip
4 antenna or things like that, although we do want to
5 enforce the safety considerations. We primarily are
6 focused on things like DUI's here and drug use and
7 things like that, where they have a potential for
8 resulting in accidents and injuries and fatalities, and
9 so the rangers really focus on DUI's. The number of
10 incidents where we've made arrests for DUI's has been on
11 the increase, surprisingly.

12 MEMBER SHTEIR: Thank you. I had one follow-up
13 question on Neil's presentation, and that was -- I think
14 I got this right -- 300 to 800 emergency calls per
15 season. Is that correct? And when you say that those
16 are evacuations, is that like removing the person? What
17 constitutes that?

18 MR. HAMADA: It's a wide range. It could be
19 somebody driving their family member up to the ranger
20 station, where we have a medical facility, all the way
21 to a fatality onsite. So it's the entire range.

22 MEMBER SHTEIR: Thank you, guys.

23 CHAIRPERSON BANIS: Al?

24 MEMBER MUTH: Just a couple of things. Neil,
25 in your presentation at one point I was sort of

1 surprised to hear you say fees provide for medical
2 services, and then at a later point you said they're
3 free of charge to visitors. Is there a partial recovery
4 from fees? Can you clarify? Who pays for medical
5 services?

6 MR. HAMADA: I believe the free-of-charge
7 reference was to the Border Patrol team that we work
8 with. We partner with many private and public agencies
9 to be able to provide the level of emergency services
10 that we need to provide in the Dunes. A lot of that
11 help comes from our local service providers, like the
12 local ambulance company, the local helicopter company as
13 well as the local Border Patrol sector.

14 And those folks especially the Border Patrol,
15 provide a huge amount of resources at no charge to the
16 visitors. They partner with us strictly to provide a
17 public service. And so those folks or the visitors that
18 receive assistance from the Border Patrol are receiving
19 that assistance without the fee program.

20 On the other hand the person working right next
21 to the Border Patrol, who is one of our staff members
22 perhaps driving the Border Patrol agent in the dune
23 buggy or something, is being paid for either through the
24 grants or through the fees.

25 MEMBER MUTH: Okay. So the fees are a partial

1 recovery of the cost of medical services?

2 MR. ZALE: Right. What we're not doing is, you
3 know, if you were injured, we wouldn't send you a bill
4 for the services that we provide, but the fee that you
5 paid to get in would help to offset those costs. So
6 everybody is paying for, you know, people that get hurt,
7 essentially.

8 MEMBER MUTH: Okay.

9 CHAIRPERSON BANIS: Dinah. Go ahead, Al.

10 MEMBER SHUMWAY: I'm sorry, Al. I'm being
11 nice.

12 MEMBER MUTH: Okay. In the business line for
13 protection funding, fees do not pay for resource
14 monitoring; correct?

15 MR. ZALE: Correct.

16 MEMBER MUTH: That business line comes from
17 some other fees, some other resource area program that's
18 sort of bootlegged over to sand dunes?

19 MR. ZALE: It comes from appropriated dollars
20 and/or from Green Sticker dollars.

21 MEMBER MUTH: So what guarantee or what
22 assurances are there that that won't be a line that's
23 cut? I mean, other than another lawsuit situation? You
24 are required to do monitoring.

25 MR. ZALE: Correct. And so we work within the

1 budget that we have, you know, for using appropriated
2 dollars, Green Sticker dollars, when they're available.
3 And then, you know, for monitoring we don't use fees.
4 But we cobble money together, you know, in whatever way
5 we can to accomplish that monitoring. What I can't do
6 is guarantee the level of appropriation each year.
7 That's something that Congress does, and then with Green
8 Stickers, as I said before, we aggressively pursue grant
9 funding. But I can't guarantee the outcome of that
10 either.

11 MEMBER MUTH: So if you fall below budget and
12 decrease the amount of resource monitoring you do,
13 you'll be in violation of a court order; is that right?
14 You're between a rock and a hard place, I think.

15 MR. ZALE: I'm not an attorney, but you're
16 right, yeah. And historically the work that we've done
17 has cost more than what our office has been allocated.
18 Funding has been made up to cover that deficit because,
19 you know, at the end of the day we're not allowed to
20 spend more as an agency than what Congress appropriates
21 the agency. So the costs have been offset by pulling
22 money that was earmarked for something else and using it
23 to make up our shortfall.

24 And in past administrations or, you know, under
25 our previous state director, he made a decision to do

1 that. Our current state director is not supportive of
2 that idea for a couple of reasons. First it's not fair
3 to the other areas, and secondly, you know, the federal
4 budget has been decreasing. And so his ability to make
5 up a shortfall by pulling from somewhere else is, you
6 know, diminished accordingly.

7 CHAIRPERSON BANIS: Actually Kim and then
8 Dinah. Kim?

9 MEMBER CAMPELL-ERB: Okay. First of all, can
10 you tell me more about what type of services the Border
11 Patrol provides.

12 MR. ZALE: The Border Patrol has a BORSTAR
13 unit, and I'm not remembering what that stands for.

14 MR. HAMADA: Border Search Tactical and Rescue
15 unit.

16 MR. ZALE: Border Search Tactical and Rescue
17 unit that actually provides emergency medical services.
18 They've generally focused their work down in the south
19 part of the Dunes nearer the border.

20 MEMBER CAMPELL-ERB: So when it's in a more
21 remote area closer to the border, that's when they get
22 involved?

23 MR. ZALE: But they've also worked up in the
24 north dunes too, so for a variety of reasons Border
25 Patrol tactically has people working in the Dunes on

1 these bigger weekends. But one of the units specializes
2 in providing emergency medical services, and when they
3 do, they don't ask BLM to cover those costs. They
4 absorb that within their own budget, and that's where we
5 were saying that's free to the users.

6 MEMBER CAMPELL-ERB: Okay. Then the next
7 question, and maybe the more difficult question, why is
8 there not one-day passes included in the proposal?

9 MR. ZALE: So we've been collecting fees for
10 about 13 years, and we've looked at the one-day pass a
11 number of times. Some of the concerns that we have just
12 go to compliance and also to the cost effectiveness of
13 having a permit that would be, you know, lower priced
14 than even a weekly presumably. And so those have been
15 some of the difficulties that we've had with it.

16 As I said before, we're open to continuing a
17 dialogue with the subgroup on that and exploring a way
18 to maybe make that work. You know, at this point we
19 haven't proposed that for the reasons I just described.
20 But as I said, we'll continue to look at it.

21 MEMBER CAMPELL-ERB: Okay. And then I have to
22 say I am very sympathetic to the argument that was made
23 about the second-vehicle pass, if you could only drive
24 one vehicle at a time. It probably hurts a little bit
25 to have to have more than one pass if you have more than

1 one vehicle, and maybe you take one vehicle one time and
2 take another vehicle another time. I can see that that
3 would be a big ouch.

4 And so I can understand -- I know from past
5 discussions we've had on the DAC level that there has
6 been a lot of abuse with the hang tags and that that's
7 why you will probably go forward with the sticker on the
8 windshield. And perhaps the people who have abused it
9 are the ones that are creating the problem for the
10 people who don't, but I do understand too why that would
11 be a huge -- it's a huge cost if you have more than one
12 vehicle. And I wanted to get that out there because I
13 think that's a little problematic. I see both sides of
14 it, but that's problematic to me.

15 And then I guess that's it for now. Thank you.

16 CHAIRPERSON BANIS: Dinah?

17 MEMBER SHUMWAY: Okay. So if a vehicle comes
18 in with a trailer full of OHV's, does the trailer get
19 charged also?

20 MR. ZALE: No. Just the primary vehicle.

21 MEMBER SHUMWAY: Okay. So if this is in the
22 Business Plan and I missed it, then I apologize. But my
23 question is -- I have actually a couple of questions.
24 Whoever can answer can answer. Explain to me why the
25 fees are not levied on the OHV's themselves.

1 MR. HAMADA: After actually discussion with --
2 back in 1998 and '99 we worked through this with our
3 back-then TRT, and one of the issues with that would be
4 the difficulty of trying to enforce that. Enforcing a
5 permit in a stationary vehicle in a campsite costs a lot
6 less money than trying to enforce permits that are
7 moving around out in the sand dunes. And so the
8 majority of our patrol time would be out in the sand
9 dunes trying to contact moving vehicles versus going
10 camp to camp and making more concentrated numbers of
11 contacts per hour. And so it really comes down to the
12 efficiency of doing enforcement.

13 It's not that it's illegal to do it per OHV. I
14 know other -- and I think Dick can give you some
15 examples of places that do it, places that have very
16 low-volume visitation. But in areas where there's high
17 volumes of visitation, it's more efficient to do it the
18 way that we're doing it.

19 MEMBER SHUMWAY: I agree that it's more
20 efficient. It just doesn't seem as fair. And I'll give
21 you an example, because my next question goes to if the
22 permit is actually for these vehicles. I mean, the
23 permit is for the OHV activity; correct?

24 MR. HAMADA: The permit is for --

25 MEMBER SHUMWAY: It's a recreation permit, so

1 the permit is for the recreational activity, which is
2 the OHV activity.

3 MR. HAMADA: Actually more than the OHV
4 activity, because there's a lot more than OHV recreation
5 that's occurring. There's camping. We can go through a
6 whole laundry list of the other things occurring out in
7 the Dunes. OHV is one of them.

8 MEMBER SHUMWAY: But that's essentially why the
9 permit -- I guess I'm missing the point of the permit.
10 I need to have it explained.

11 CHAIRPERSON BANIS: May I be a devil's
12 advocate. Actually if you want to go that direction,
13 it's not the vehicle that's required; it's the person
14 having an individual recreation permit.

15 MEMBER SHUMWAY: Okay. Well, then, to
16 further -- this is why I have an issue with this,
17 because let's say I'm not an OHV person. Everybody
18 knows that I'm not an OHV person. But I'm curious about
19 the Dunes, and you added two other free areas; right?
20 Notwithstanding, nevertheless it's still Public Lands.
21 From my perspective I should be able to take my Jeep out
22 to the camp area and see what's going on and not be
23 charged for that, because I'm not recreating there. I'm
24 looking. It's Public Lands.

25 MR. HAMADA: I think this may clear up some

1 things we've heard today. I'll give you an example of
2 that. A visitor comes out to the Dunes, and then the
3 wife comes out after school on Friday and brings the
4 kids. She comes out without an OHV, and she comes out
5 in her Suburban. She's required to buy a permit.

6 Those visitors that come out are required to
7 buy a permit because they're also utilizing the roads
8 maintained by fees. They also call 911 when they get
9 hurt or need help. They also are utilizing the
10 campgrounds and restrooms that we provide through fees.
11 So even though they don't utilize an OHV per se out in
12 the Imperial Sand Dunes -- they may or may not, but if
13 they don't, they're still utilizing all the resources
14 that are provided through the fee program.

15 MEMBER SHUMWAY: Well, Glamis isn't really a
16 fee area, though. It's not classified as a fee area, is
17 it?

18 MR. HAMADA: Yes, it is.

19 MEMBER SHUMWAY: The whole area geographically?

20 MR. HAMADA: Yes.

21 MEMBER SHUMWAY: I thought it was the activity.

22 MR. HAMADA: No. The entire area.

23 MEMBER SHUMWAY: So this is different from an
24 SRP permit like, say, in the Johnson Valley?

25 MR. HAMADA: This is considered a

1 non-commercial individual special recreation permit.

2 MEMBER SHUMWAY: All right. And my other
3 question is -- this was brought up before -- the hanging
4 tag. I understand you want to go to a sticker, but the
5 sticker is going to be on the primary vehicle; right?

6 MR. HAMADA: Correct.

7 MEMBER SHUMWAY: So what happens if you sell
8 that -- you get an annual permit and you sell that
9 vehicle or you get in an accident -- this actually
10 happened to us -- and you have to replace that? Is
11 there a way you can replace that without having to buy
12 an entirely new permit?

13 MR. HAMADA: At this time you would have to buy
14 a new permit.

15 MEMBER SHUMWAY: I suggest that that be
16 something you address, because that seems totally not
17 logical.

18 MR. HAMADA: Yeah. Again, you know, as we
19 mentioned before in previous meetings, we're trying to
20 address -- if you go on the internet right now and do a
21 search for Glamis permits, you can find websites and
22 blogs where people are passing their permits around.
23 They're giving their permits to other people, selling
24 them at reduced prices or just sharing them back and
25 forth between to avoid purchasing a permit.

1 MEMBER SHUMWAY: I know there's fraud
2 everywhere in every program. However this would be kind
3 of specific to somebody replacing their primary vehicle
4 in the middle of the season, and it seems not logical to
5 require them to pay yet another full primary fee. There
6 has got to be -- don't you have records that can prove
7 that somebody bought this?

8 MR. HAMADA: The difficult part about that is,
9 most of our permits are sold through offsite vendors,
10 meaning the majority of the visitors prefer to buy their
11 permits while they're driving to the Dunes.

12 MEMBER SHUMWAY: They get a receipt; right?

13 MR. HAMADA: They get a receipt, but the person
14 at the counter isn't collecting that person's private
15 information.

16 MEMBER SHUMWAY: Well, I think this is an issue
17 you need to think about.

18 MR. ZALE: We have thought about it, but we'll
19 continue.

20 MEMBER SHUMWAY: There is a solution in there.

21 CHAIRPERSON BANIS: Don.

22 MEMBER HOUSTON: Yeah. I've got one comment
23 then two questions. First of all I want to say I'm
24 impressed with the quality of the BLM staff's
25 presentation today, as I'm also impressed by the

1 thoughtful and well-considered comments by the public.
2 And thank you to all of you. It makes my task a little
3 easier here today.

4 My first question is this: There's numerous
5 times the public has expressed concerns over the cost of
6 administering the fee-collection program. What is the
7 BLM's response to those concerns?

8 MR. ZALE: Well, as I mentioned earlier, we
9 have -- we are in the process of awarding a contract,
10 and although I can't release the details of that just
11 yet, I did say that the cost associated with collecting
12 fees will be reduced, and I think people will be very
13 pleased with that. So we'll get the details out when
14 the ink is dry on that contract, but --

15 MEMBER HOUSTON: Thanks, Tom. My second
16 question is, Neil, during your presentation you
17 identified several programs or activities that have been
18 eliminated due to the lack of revenue. If this fee
19 increase is approved, will those programs -- and
20 specifically the safety education programs -- will they
21 be reinstated?

22 MR. HAMADA: Depending on the program they
23 could. It really depends on our partners. Some of
24 those were funded directly through partners because we
25 don't have the ability to do some of those things

1 through the government. We're hoping that our partners
2 are able to help us out again, the main one actually
3 being ASA's non-profit arm, American Desert Foundation.
4 There are some hoops we would need to jump through to
5 continue that program. There are some challenges that
6 that program -- I won't go through them now. I'd be
7 happy to talk to you more later, but we definitely want
8 to.

9 MR. ZALE: I'll just add to that, as you'll
10 recall, in April we had calculated about a \$5 million
11 program of work. The program of work that we're
12 proposing with this fee structure would be about
13 4.5 million, so there still is about a half a million
14 dollars of things that would have occurred that won't
15 with this fee structure the way it is now unless we find
16 a way to offset that source of revenue in another
17 fashion.

18 MEMBER HOUSTON: Thank you.

19 CHAIRPERSON BANIS: Jessica, do you have
20 questions?

21 MEMBER REILLY: I do. This may be in the
22 document, but I missed it. But can you review for me,
23 does the fee increase include the return of any
24 educational program?

25 CHAIRPERSON BANIS: Could you restate that

1 answer, Tom.

2 MR. ZALE: Yeah. As I mentioned, there will be
3 some education, and we'll continue to look for ways to
4 do that because we think that that's important. In
5 April when we met with the subgroup, we had proposed a
6 program of work that would have cost about \$5 million.
7 Where we're at right now, though, is a program of work
8 that's about \$4.5 million that would be sustained by the
9 fee structure that we're proposing at this time. So
10 there will be some reductions that would continue if
11 this fee proposal is approved. But as I said, education
12 and outreach is important to us, so we'll continue to
13 try to find alternative ways to achieve that.

14 MEMBER REILLY: Okay. Thank you. And then a
15 totally different question. Has BLM considered the
16 implications, ecological or otherwise, that fee
17 increases may leave those that did not want to pay the
18 fee to disperse across the landscape and potentially
19 burden the impact with the areas?

20 MR. ZALE: Actually to be honest with you,
21 we're not anticipating there will be an appreciable
22 decline in the visitation that occurs as a result of
23 this fee increase. We don't think that the fee
24 increase, all things considered, is actually that large
25 of a hit on people for this kind of recreation in the

1 venue, this world-class venue that we provide and are
2 blessed with.

3 MEMBER REILLY: Great. Thank you.

4 CHAIRPERSON BANIS: Thank you, Jessica. Okay.
5 Dinah and Kim, questions.

6 MEMBER SHUMWAY: One follow-up on the contract,
7 following up Don's question. I know you can't give
8 details on this new contract for fee collection, but do
9 the BLM contracts typically have a do-not-exceed clause?

10 MR. HAMADA: It's a fixed-price contract, so
11 there will be a fixed price for the contractor each
12 option year, and that will be it.

13 MEMBER SHUMWAY: So you know the costs will be
14 reduced?

15 MR. HAMADA: Yes.

16 MEMBER SHUMWAY: Okay. So essentially the
17 costs will not exceed that contract number?

18 MR. HAMADA: Correct.

19 MEMBER SHUMWAY: Okay.

20 CHAIRPERSON BANIS: Kim and then Seth.

21 MEMBER CAMPELL-ERB: Is there a mechanism by
22 which the fees could actually go down in 2016 rather
23 than going up if all goes well and the funding is there?

24 MR. ZALE: We would be back before either this
25 group or the RRAC to alter a fee like that, but yes,

1 there's a mechanism.

2 MEMBER CAMPELL-ERB: There's a mechanism here
3 for it to go up. That's why I'm asking whether there's
4 some mechanism by which it could actually decline if all
5 went well with the funding and it turned out that the
6 revenues were exceeding the --

7 MR. ZALE: Right. So the Business Plan
8 outlines our projections, and it lists our assumptions.
9 There are, you know, I think, an amazing number of
10 variables in this in terms of, you know, how we forecast
11 visitation, how we forecast the mix of permits that
12 would be sold, the appropriated dollars, Green Sticker
13 grants. The way we laid that out the Business Plan
14 identifies that in 2016 without an increase there would
15 actually be a shortfall. If that doesn't come to pass,
16 obviously we'll make appropriate adjustments. We're not
17 a profit-making organization in that sense.

18 MEMBER CAMPELL-ERB: I understand that. How
19 often does the fee-changing process occur?

20 MR. ZALE: Well, it hasn't changed since
21 2000- -- ten years.

22 MEMBER CAMPELL-ERB: Does it happen
23 automatically every ten years?

24 MR. ZALE: No.

25 MEMBER CAMPELL-ERB: So someone has to initiate

1 the process for this process to occur?

2 MR. ZALE: Right. It would be us, yeah,
3 working with the subgroup and, as I said, either through
4 an RRAC or through the advisory committee.

5 MEMBER CAMPELL-ERB: And I have one other
6 comment, and it's really to Dinah. Dinah, you are the
7 only person, I believe, who had thought about what
8 happens if you transfer title on that vehicle and
9 there's a sticker on it that's affixed to the window.

10 MEMBER SHUMWAY: It happened to me.

11 MEMBER CAMPELL-ERB: I know, but there were a
12 lot of comments here. I read every comment we received,
13 every single one, and I don't believe anybody else
14 brought that up. So thank you.

15 DIRECTOR RAML: They've been brought up.

16 MR. ZALE: My suggestion would be to sell the
17 vehicle for \$150 more than what you otherwise would
18 have, and that permit would continue to be good for the
19 new owner.

20 MEMBER SHUMWAY: If you are in an accident,
21 Tom, that's not an option.

22 CHAIRPERSON BANIS: Seth, the floor is yours
23 for questions.

24 MEMBER SHTEIR: Thanks. I just wanted to make
25 a quick comment. I wanted to thank you for the

1 presentation, very thorough, and also for the report,
2 which was very thorough as well.

3 MR. ZALE: Thank you.

4 CHAIRPERSON BANIS: If there are no further
5 questions, I'd like to move into discussions on the
6 issues themselves. The first thing I'd like to do is --
7 give me a minute to catch up for a moment. Thanks for
8 hanging with me. We're getting there.

9 Okay. The guidance provided to recreation
10 advisory councils and their duties are specified in
11 charters issued by the Forest Service, and those
12 charters require that public support for a
13 recommendation be required to submit a recreation fee
14 recommendation to the secretary. And also it states
15 that the recreation RAC, that's us today, shall
16 determine whether there is general public support for
17 the recommendation.

18 So before we move into specific recommendations
19 on the issues that I'm sure we'll want to discuss, I'd
20 like to first call for a motion relative to the BLM
21 having met the bar of general public support. Do I have
22 such a motion?

23 MEMBER JOHNSTON: So moved, Randy.

24 CHAIRPERSON BANIS: In which way?

25 MEMBER JOHNSTON: That the BLM has sought out

1 and received public support to consider the
2 recommendation for this motion or for this action in the
3 fee change.

4 CHAIRPERSON BANIS: Do I have a second?

5 MEMBER SHTEIR: I'll second.

6 CHAIRPERSON BANIS: Motion is seconded by Seth.
7 We'll move into discussion on this question. Would you
8 like to speak first in support of your motion or pass?

9 MEMBER JOHNSTON: I think this issue has been
10 before the BLM and the DAC off and on for all six of the
11 years that I have been a member at one time or another.
12 So there has been more than one visitation to public
13 comment regarding whether fees should be reconsidered
14 because of the needs of the recreation area to keep it
15 safe, to keep it functional, to keep it enjoyable by the
16 public in general and by the public who uses it for
17 recreational purposes as well as by the public who just
18 wants to preserve the uniqueness of this part of our
19 desert landscape.

20 And in speaking to people who are the general
21 public who do not have a vested interest who are not out
22 with OHV's recreating in the sand but who are just
23 taxpayers that own this land in the desert as much as
24 those people who go out with four-wheel-drive vehicles
25 or two-wheel-drive vehicles or two-wheel vehicles, they

1 feel the public in general, who is the citizenry that I
2 am supposed to represent, by and large and by a large
3 majority feel that we need to keep the land pristine, we
4 need to keep the Dunes as pristine as possible, to keep
5 it safe, to help protect the people who do use it for
6 recreational purposes from injury or misencounter,
7 whether it be with illegals crossing through that area
8 or whether it be through recreational use. And the BLM
9 is, in the public's mind, responsible for providing
10 those things as the caretaker of the public property.

11 So my feeling in talking to numerous people
12 that I encounter on a daily basis is that this has been
13 explored by the BLM sufficiently to bring it forward as
14 something worthy of consideration.

15 CHAIRPERSON BANIS: Next speaker, Don.

16 MEMBER HOUSTON: Well, it's an interesting
17 proposition. It comes down to how we define "general,"
18 I guess, general support, that is. Today and over the
19 last few years I've heard support, I've heard
20 conditional support, and I've heard opposition and
21 strong opposition to a fee increase. I think there are
22 some who wish fees would go away. But barring the BLM
23 staff or the chairman telling me there is a regulatory
24 definition for "general," I am going to define "general"
25 myself by saying that I have heard support for this

1 proposal and conditional support for this proposal from
2 more than one quarter, from more than one interest, from
3 the Imperial County Board of Supervisors, from the
4 California Off Road Vehicle Association, conditional
5 support from ASA and from individuals. So in my mind
6 there is general support, given that definition.

7 CHAIRPERSON BANIS: Next speaker? Al.

8 MEMBER MUTH: Well, Don said much of what I was
9 thinking about. The operational term is "general," and
10 in my mind there does seem to be a general opinion,
11 conditional and otherwise, that public support is there
12 for the proposal and coming forward or voting for a
13 finding of general public support. That would not
14 preclude passing the recommendation along to the Bureau
15 that some changes be made. So just with that sort of
16 line of reasoning, I would support the motion.

17 CHAIRPERSON BANIS: Next speaker? Dinah?

18 MEMBER SHUMWAY: Just very quickly. I also
19 support the motion, but I would go a little further. I
20 would say that there does seem to be general support,
21 especially from associations, but the support is almost
22 always conditional. So there are some conditions that
23 almost everybody has on this. It's not the document
24 that's going to please absolutely everybody, but I think
25 there is general support that costs have gone up. This

1 is a reality. If you haven't raised fees in ten years,
2 then you need to look at something, because look at how
3 gas nearly doubled in that time. That alone to me makes
4 me charge my clients more than I did ten years ago. So
5 I think that is warranted.

6 But I do think that the support is almost
7 always conditional. There are several issues that are
8 still outstanding that need to be addressed, and I think
9 that they do need to be addressed at some time in the
10 future.

11 CHAIRPERSON BANIS: Next speaker? It's up to
12 you. Kim?

13 MEMBER CAMPELL-ERB: I am aware that CORVA has
14 approved it unconditionally. They've supported it
15 unconditionally. To my understanding the Board of
16 Supervisors has and that the other organizations'
17 support has been conditional. I think everyone would
18 prefer that it be kept open, and I feel confident in
19 saying that probably everyone would rather pay these
20 fees and have this fee proposal approved than to have
21 the Imperial Sand Dunes closed. So based on that, I
22 agree that it's got general approval.

23 CHAIRPERSON BANIS: One thing that hasn't been
24 mentioned today that was in our written comments, one
25 place that I found I thought was an important point to

1 restate, and that is from the letter of
2 Charla Teeters-Stewart from the United Desert Gateway.

3 I was pleased to read her statement that "The
4 El Centro Field Office should be recognized for their
5 ability to hold fees at their current rate for almost
6 ten years."

7 And I think that's something that's been
8 missing from this discussion. I believe that the right
9 way to approach the management of fee areas is to have
10 regular revisitation of fee levels and that it be done
11 through regular periodic intervals so that an
12 organization doesn't find itself too far behind the ball
13 in having to do catchup.

14 And I think that's where we are today. If the
15 fees had been raised incrementally to the level as
16 proposed, if they had been raised incrementally each
17 year, it would have amounted to an annualized increase
18 of a little under five-and-a-quarter per year. That's
19 pretty high for most independent industries, but I've
20 found that my insurance in all regards has gone higher,
21 energy costs have been higher, food costs in some areas
22 have gone higher. I don't believe the outdoor
23 recreation and adventure industry is the only industry
24 to be suffering from significant increases in the last
25 ten years.

1 I like the idea that the BLM will be revisiting
2 this fee in a period of approximately three years. I
3 think that's a good idea. I think that's a good
4 strategy to look forward in the future indefinitely to
5 make sure that there's a good review no more than, I
6 think, every three years.

7 I recognize that we're far from enjoying a full
8 economic recovery to either the levels of recent past or
9 even to levels that we might just feel would be good
10 enough. I know we feel that that economic recovery is
11 going slow and not broad enough and not touching enough
12 people. But I don't think we can deny that we are on
13 the way up economically, and I think that over time
14 we're going to see families and hardworking people -- I
15 think we're going to see them catching up with the
16 economy. And I believe that impacts like this, if we
17 re-evaluate over time every three years, will show less
18 hardship to people and be easier to absorb and plan for
19 in people's recreation budgets.

20 And having said all that, what swayed me in
21 terms of public support, general public support, I
22 looked carefully to the County Board of Supervisors, and
23 I looked at part to the Imperial Valley Press. I looked
24 at all of the letters that came in. I've read them all
25 carefully repeatedly, and I'll be referring to them in

1 subsequent discussions.

2 But there was a last-minute e-mail from one of
3 the members of the public that managed to make a
4 nutshell of this issue for me in the last sentence, and
5 it had something to do with, do we risk moving forward
6 with a potentially unjustified fee increase, or do we
7 move forward with the risk of loss of important and
8 necessary services to the people who use the Dunes? And
9 that's really what it is kind of coming down to, where
10 there's risks on both sides.

11 The Valley Press said they don't think that
12 that risk is worth it. And after seeing the picture of
13 the little kids in the back of the sand rail, I don't
14 think it's worth it to deny them the opportunities of
15 the future so that they can have those sand dunes
16 available to them when they're old enough to ride their
17 own vehicle around the sand.

18 And number two, I don't want to take the risk
19 of unreasonable delays in emergency response times,
20 should another vehicle come over the sand, like we say,
21 and hit that vehicle with the kids in the back. I'm not
22 willing to take that risk, and I think that despite a
23 number of individual concerns about the rate of the fee
24 increase, I too believe that the BLM has met the bar of
25 general support.

1 Thanks for enjoying that long soliloquy.
2 Jessica, do you have a comment you'd like to make,
3 please?

4 MEMBER REILLY: Thank you, Mr. Chairman. I
5 think the comments already expressed also express my
6 understanding of the support. Thanks.

7 CHAIRPERSON BANIS: Are there any further
8 comments from the DAC on this question? Hearing and
9 seeing none, please do me a favor, and all those in
10 favor raise your hand. And opposed?

11 (Vote was taken.)

12 CHAIRPERSON BANIS: I find that the votes --
13 Jessica, sorry. Your vote?

14 MEMBER REILLY: I was raising my hand.

15 CHAIRPERSON BANIS: Thank you. Unanimous
16 support does lead to a passage of the recommendation for
17 the bar of public support.

18 I'd like to now move on, if there's no
19 objections, to DAC discussions on recommendations
20 regarding this fee proposal. DAC members have
21 recommendations. I'm starting with Al followed by Kim.
22 And what I'd like to do is, if you have a
23 recommendation, please state it as a motion. We'll get
24 a second, and we'll work on that, and we'll just keep
25 going around until we've petered out. Al?

1 MEMBER MUTH: I do have a recommendation. I
2 really don't wish to state it as a motion until I hear
3 some other folks mention it, but one of the overall
4 recommendations from Imperial Valley Press, you know,
5 the off-roaders, et cetera, et cetera, is this issue of
6 a day pass. And I do believe that is an issue that
7 needs to be considered seriously by the Bureau as we
8 pass this on to them. And I'm sure other people would
9 concur with that, but I'd like to hear their discussion
10 before we make the motion.

11 CHAIRPERSON BANIS: I had Kim next. Do you
12 have anything along that lines to offer?

13 MEMBER CAMPELL-ERB: Because there are still
14 some issues, some very valid issues regarding the
15 single-day visitor passes, perhaps improving or
16 expanding the second-vehicle pass program and also
17 replacement of a sticker if a vehicle is sold or
18 totaled. Perhaps you -- well, I move that we approve
19 the fee proposal and recommend that the DAC's Imperial
20 Sand Dunes Recreation --

21 MEMBER JOHNSTON: Subcommittee.

22 MEMBER CAMPELL-ERB: -- Subgroup and the BLM
23 continue to explore ways to serve the single-day
24 visitors, improve or expand the second-vehicle-pass
25 program and arrive at a solution for replacing a sticker

1 if a vehicle is sold or totaled.

2 CHAIRPERSON BANIS: Do I have a second?

3 Actually before I call for a second, could I ask for a
4 clarification. Could we make this a recommendation just
5 at that point? We've already done and met the bar.

6 MEMBER CAMPELL-ERB: Only a recommendation.

7 CHAIRPERSON BANIS: A recommendation that --

8 MEMBER CAMPBELL-ERB: That the DAC's Imperial
9 Sand Dunes Recreation Subgroup and the BLM continue to
10 explore ways to possibly serve the single-day visitors.

11 CHAIRPERSON BANIS: Very good. Do I have a
12 second with that?

13 MEMBER SHUMWAY: Second.

14 MEMBER JOHNSTON: Second.

15 CHAIRPERSON BANIS: I have a second from Dinah.
16 Beat you by a second, literally. Comment? Don.

17 MEMBER HOUSTON: Yeah. Well, you know, the
18 single-day pass is a good idea because it helps certain
19 folks out. I agree that the single-day pass is a good
20 idea, but my concern again goes back to the cost of
21 administering this fee-collection program, and adding
22 another pass to this program is only going to increase
23 those costs. And my guess is the single-day pass is not
24 in the scope of work for the new contractor, so that's
25 going to add some. And I understand it's just a

1 recommendation to continue to pursue it.

2 And I think, given the -- my experience with
3 the subgroup is, whether the motion contains that
4 recommendation or not, they're going to continue to
5 pursue that. So I'm leaning to just -- I'm in favor of,
6 you know, moving that we approve the proposal as written
7 and rely on the subgroup and the BLM to work together to
8 improve the situation. I just don't want to add another
9 program that's going to add administrative costs until
10 we can stabilize those costs. That's my concern,
11 because every dollar we save on administering this
12 program is a dollar we can put into services.

13 CHAIRPERSON BANIS: I'll come back around in
14 just a moment. Were you next, Dinah? No? Kim?

15 MEMBER CAMPELL-ERB: It's really more of a
16 question. Is the Imperial Sand Dunes Recreation Area
17 Subgroup continuing to function indefinitely?

18 CHAIRPERSON BANIS: Oh, yes.

19 MEMBER CAMPELL-ERB: Then I don't see that it's
20 adding any additional burden to have them continue to
21 work with the BLM on these issues. I think it would be
22 a very well-placed effort for them to continue this,
23 because I think it would help them. I think it would
24 help all the parties to perhaps arrive at solutions in
25 the future that would resolve these issues and make

1 everybody happy -- or happier. Maybe not happy.

2 MEMBER JOHNSTON: Less unhappy.

3 MEMBER CAMPELL-ERB: Less unhappy, yes.

4 CHAIRPERSON BANIS: One of the reasons why I
5 support what Kim is moving forward is because the way
6 she prefaced it with recognizing there are real issues
7 behind this. I don't think that we should assume that
8 it's just a matter of talking more or just having more
9 discussions.

10 There are real issues that need to be overcome
11 and that need to be solved before these ideas and
12 proposals can move forward and come into fruition. The
13 single-day pass has got issues. The second-day pass has
14 got issues.

15 I'm just going to throw something out regarding
16 the replacement pass. I think there could be a way to
17 be allowed to scrape off the remains of that pass.
18 Maybe the serial number part of it or something like
19 that gets scraped off and affixed and put into the mail.
20 I'm not saying it be done for free. Maybe there is a
21 fee for it, but it would be some kind of a reduced fee,
22 a ten-dollar replacement fee or something to cover the
23 cost of putting it in the mail and getting it back out
24 to the person. I think they can talk about that.

25 But again those are still real issues. Who's

1 going to do it, how is it going to be done and so forth?
2 So just saying we're going to sit and talk about them,
3 we may not really make them happen. I think we need to
4 realize there issues that need to be overcome with
5 regard to implementing those. And that's why I'm in
6 favor of continued discussions and talks. I just don't
7 want it to seem automatic that we're just going to talk
8 it through and everything is going to be resolved.

9 Nonetheless I do still support this on the
10 agenda, on the DAC's agenda. So before I go back around
11 a second time, Dinah and Seth, and then we'll back
12 around.

13 MEMBER SHUMWAY: We have a motion; right? And
14 the motion is?

15 CHAIRPERSON BANIS: Motion and second.

16 MEMBER SHUMWAY: The motion is to support the
17 cost-fee increase with --

18 CHAIRPERSON BANIS: No. It's to recommend that
19 the subgroup continue to work with the BLM on these
20 three issues.

21 MEMBER SHUMWAY: Right. Well, it's already
22 been resolved that the Imperial Dunes is going to be
23 revisiting this in three years; right?

24 MR. BRAMHAM: No.

25 MEMBER SHUMWAY: No? I mean, reconsidering the

1 fees in three years. Wasn't that part of the Business
2 Plan?

3 CHAIRPERSON BANIS: I don't know if those are
4 the right words to use. There's going to be in three
5 years -- according to the plan, as I read it and I
6 interpreted it, in three years there will be a
7 determination made by the BLM as to whether or not it
8 would be necessary to increase fees.

9 MEMBER SHUMWAY: So it's going to be examined
10 in three years. In the meantime these are the kinds of
11 issues that the subgroup can still be considering. They
12 are obviously old and longstanding issues with the
13 second vehicle and the day pass and the -- what was the
14 third one?

15 MEMBER CAMPELL-ERB: Replacement of sticker.

16 MEMBER SHUMWAY: Yeah, the sticker. That's not
17 an old issue, replacing the hanging pass with a sticker.
18 So these are the kinds of things that are going to
19 constantly be coming up. They're not going to be solved
20 today unless we extend this process forever again. And
21 so, like Don, I'm inclined to accept the fee structure
22 with the conditions that the BLM maybe not only continue
23 to examine these with the subgroup but maybe report back
24 to us in about a year on how things are coming with
25 these issues. We'll hear from the subgroup anyway.

1 CHAIRPERSON BANIS: Before I go to Don, I just
2 want to clarify, I'm nervous about moving into the word
3 "conditions."

4 MEMBER SHUMWAY: I'm sorry.

5 CHAIRPERSON BANIS: Because our guidance says
6 that we provide recommendations.

7 MEMBER SHUMWAY: Right.

8 CHAIRPERSON BANIS: So I want to keep this
9 phrased that way throughout the course of our
10 discussions, if we can.

11 MEMBER SHUMWAY: May I amend my comment?

12 CHAIRPERSON BANIS: Quite all right.

13 MEMBER SHUMWAY: Then maybe it would be better
14 to ask the subgroup -- the subgroup will be reporting to
15 us anyway. The subgroup and the BLM at Sand Dunes can
16 report back to the DAC on how progress is, how we are
17 progressing on solving these longstanding issues.

18 CHAIRPERSON BANIS: Very good. Don.

19 MEMBER HOUSTON: Mr. Chairman, I need some
20 clarification. Does the motion with the second affect
21 the fee-proposal increase as written, or is it a
22 stand-alone action?

23 CHAIRPERSON BANIS: Recommendations of the
24 subgroup are to be considered by the BLM, and if the
25 secretary does not act on those recommendations, he must

1 report to the committees of Congress as to why they did
2 not act on those recommendations. That's the answer.

3 MR. HOLLIDAY: Not the subgroup, the RRAC.

4 CHAIRPERSON BANIS: It in my opinion doesn't
5 stop the increase. It doesn't stop the increase. But
6 all recommendations of this body today, those that are
7 not acted on by the BLM, it is the responsibility of the
8 secretary to report those to the committees of Congress
9 and to state why the recommendations were not acted
10 upon.

11 MEMBER HOUSTON: So I'm not quite sure you --
12 so are you saying that this motion will amend the fee
13 proposal?

14 CHAIRPERSON BANIS: No, no. I'm not
15 considering this as a condition. The group is allowed
16 to make recommendations, not amendments or conditions,
17 and I want to keep things phrased as recommendations
18 because the remainder of the guiding language guides the
19 secretary as to how he disposes of our actions. And he
20 must address recommendations. So that's why I want to
21 keep it phrased along that line.

22 So do I find this would be conditional or that
23 this would sink the fee proposal? I don't necessarily
24 feel that way, no, I don't.

25 MEMBER HOUSTON: I just don't want staff to go

1 back and incorporate this recommendation into the
2 proposal.

3 CHAIRPERSON BANIS: I don't think this
4 amends -- this does not amend the Business Plan. This
5 is a recommendation for the BLM with regard to a fee
6 program, which is what we're supposed to do, make
7 recommendations on the fee program. Sorry it wasn't a
8 great yes-no answer, but -- thanks. Seth and then Ron.

9 MEMBER SHTEIR: Mr. Chairman, can you just read
10 the language of the motion we have before us once again.

11 CHAIRPERSON BANIS: I was actually reading off
12 Kim's screen. Okay. And can I edge over a little bit,
13 and I'll read.

14 MEMBER CAMPELL-ERB: Let me just change one
15 word.

16 CHAIRPERSON BANIS: Okay. Recognizing that
17 there remain real challenges to work through -- I'm
18 sorry. I'm going to restart. It's in italics.

19 Recognizing that there remain real issues to
20 work through, we recommend that the DAC's ISDRA Subgroup
21 and the BLM continue to explore ways to possibly, one,
22 serve single-day visitors; two, improve and expand the
23 second-vehicle-pass program; and three, arrive at a
24 solution for replacing a sticker.

25 MEMBER SHTEIR: Thank you.

1 CHAIRPERSON BANIS: Excuse me. Comments. Kim?

2 MEMBER CAMPELL-ERB: What I did not have in

3 that was that I moved that we approve the fee proposal

4 as it is and recognizing that there remain the rest of

5 the language that you read.

6 CHAIRPERSON BANIS: Okay. That's a split

7 decision, and our bar --

8 MEMBER CAMPELL-ERB: Does it need to be a

9 separate item?

10 CHAIRPERSON BANIS: The RRAC does not approve.

11 The RRAC makes recommendations.

12 MEMBER CAMPELL-ERB: I meant that we recommend

13 that they approve.

14 CHAIRPERSON BANIS: And we determine whether

15 the BLM has met a bar. And we did the first. We did

16 determine the meeting of the bar. The second are the

17 recommendations.

18 MEMBER JOHNSTON: Randy, I think you could

19 incorporate in Kim's motion clearly and clearly state

20 this is a stand-alone recommendation.

21 CHAIRPERSON BANIS: We could. I see all

22 recommendations as stand-alone.

23 MEMBER JOHNSTON: If you clearly state it, then

24 there's no question.

25 CHAIRPERSON BANIS: I believe all

1 recommendations stand on their own. Each recommendation
2 will have to be addressed by the secretary.

3 MEMBER JOHNSTON: One thing I was -- speaking
4 of the issues both Kim and Dinah brought up on the
5 replacement sticker, interesting point. That might be a
6 good speaker to have at a DAC meeting is someone from
7 the State of California Licensing Division with the
8 California stickers to find out where they get their
9 stickers made, because you can't scrape those puppies
10 off either, if they're put on right.

11 But if you need a replacement sticker, which I
12 had to do myself about two years ago, if you have the
13 serial number, they will not give you the same serial
14 number, but if you bring it in, they will replace it for
15 a far lesser charge of your license fee. I think it's
16 ten or \$15 versus the 115 it was going to be if I didn't
17 have the sticker. So the State of California may have
18 some guidelines that can be used to solve this problem.

19 CHAIRPERSON BANIS: Further comment on this
20 issue before us? Don?

21 MEMBER HOUSTON: I'm sorry, Mr. Chairman, but
22 I've seen this happen before when you have a motion that
23 has an "and" in the middle of it. If we approve the
24 motion as written and then the secretary or someone else
25 in the chain of command disagrees with the second part

1 of this motion, then that's going to be a problem.

2 CHAIRPERSON BANIS: Would you move to split the
3 question?

4 MEMBER HOUSTON: Yes.

5 CHAIRPERSON BANIS: Are there any objections to
6 splitting the question?

7 MEMBER JOHNSTON: No.

8 CHAIRPERSON BANIS: Hearing and seeing none, do
9 we have a call for a question?

10 MEMBER SHUMWAY: I call.

11 MEMBER HOUSTON: Which one?

12 CHAIRPERSON BANIS: The question has been
13 called. The first item will be a recommendation. I'm
14 going to read off this again. The first question to
15 consider, recognizing that there remain real issues to
16 work through, we recommend that the DAC's ISDRA subgroup
17 and the BLM continue to explore ways to possibly serve
18 single-day visitors.

19 MEMBER JOHNSTON: Question number one.

20 CHAIRPERSON BANIS: Those in favor, raise your
21 hand. Jessica?

22 MEMBER REILLY: Hand is raised. Thank you.
23 Any opposed?

24 (Vote was taken.)

25 CHAIRPERSON BANIS: None. That motion passes

1 unanimously.

2 Second motion again, recognizing that there
3 remain real issues to work through, we recommend that
4 the DAC's ISDRA subgroup and the BLM continue to explore
5 ways to improve or expand the second-vehicle-pass
6 program. Those in favor, raise your hand.

7 MEMBER REILLY: Hand is raised.

8 CHAIRPERSON BANIS: Thanks, Jessica. Those
9 against?

10 (Vote was taken.)

11 CHAIRPERSON BANIS: Motion passes unanimous.

12 Number three, again recognizing that there
13 remain real issues to work through, we recommend that
14 the DAC's ISDRA Subgroup and the BLM continue to explore
15 ways to arrive at a solution for replacing a sticker if
16 the vehicle is sold or totaled.

17 All those in favor, raise your hands. Jessica?

18 MEMBER REILLY: Mine is raised.

19 CHAIRPERSON BANIS: Thank you. Opposed?

20 (Vote was taken.)

21 CHAIRPERSON BANIS: None. Motion passes
22 unanimously. Al?

23 MEMBER MUTH: Point of order, Mr. Chairman.

24 CHAIRPERSON BANIS: Certainly.

25 MEMBER MUTH: Did we need seconds if you split

1 those into three motions?

2 CHAIRPERSON BANIS: I asked for objections to
3 calls for the question. Hearing and seeing none, the
4 chair ruled into those three. Thank you. Ron?

5 MEMBER JOHNSTON: No. I was just going to
6 retroactively offer a second.

7 CHAIRPERSON BANIS: Thank you. Do we have
8 further recommendations? Next member to talk? Further
9 recommendations. And by the way, let me just say that
10 those recommendations that were just brought up were
11 recommended by our subgroup, recommended by ASA and also
12 recommended by Cal Four-Wheel Drive.

13 MR. ARNOLD: Can I correct something to that
14 last one?

15 CHAIRPERSON BANIS: We've stated in the agenda
16 we're not going to have discussion.

17 MR. ARNOLD: I just wanted to state that you
18 said sold or totaled, but if it has the window sticker
19 and it's a broken window or something like that, the car
20 isn't totaled but still needs replacing, and technically
21 they might hold you to one of those.

22 CHAIRPERSON BANIS: If there's no objections to
23 the DAC, this is being assigned to the subgroup to bring
24 up. Let's make sure that they have the transcripts, and
25 then they can consider all of those possibilities.

1 That's a really good point. Thank you.

2 MEMBER HOUSTON: Mr. Chairman, I got a little
3 lost on that. Could you have the reporter read those
4 three votes back.

5 CHAIRPERSON BANIS: Of course. All three of
6 the motions?

7 MEMBER HOUSTON: Right, correct.

8 THE REPORTER: "The first question to
9 consider, recognizing that there remain real
10 issues to work through, we recommend that the
11 DAC's ISDRA subgroup and the BLM continue to
12 explore ways to possibly serve single-day
13 visitors.

14 "Second motion again, recognizing that
15 there remain real issues to work through, we
16 recommend that the DAC's ISDRA subgroup and
17 the BLM continue to explore ways to improve
18 or expand the second-vehicle-pass program.

19 "Number three, again recognizing that
20 there remain real issues to work through, we
21 recommend that the DAC's ISDRA Subgroup and
22 the BLM continue to explore ways to arrive at
23 a solution for replacing a sticker if the
24 vehicle is sold or totaled."

25 MEMBER HOUSTON: Thank you. So we have not yet

1 recommended adoption of the fee proposal; that still
2 stands before us?

3 CHAIRPERSON BANIS: There's no requirement for
4 an approval of the fee program by this body in that
5 sense. Our duties as read to you and prescribed earlier
6 are --

7 MEMBER HOUSTON: I've read the regulations,
8 Randy.

9 CHAIRPERSON BANIS: I'm sorry.

10 -- are to make recommendations and to determine
11 if the BLM has met the threshold of public comment. I'm
12 not finding any authority that says that our group,
13 quote, unquote, approves the Business Plan.

14 MEMBER HOUSTON: I agree. I just think we
15 should recommend that the BLM adopt this fee proposal as
16 written. I think that's why we came here.

17 CHAIRPERSON BANIS: Is that moved?

18 MEMBER HOUSTON: That's not a recommendation.
19 It's not an approval. I just think -- I move that the
20 DAC as constituted as a Recreational Resource Advisory
21 Council recommend that the BLM adopt the fee proposal as
22 written.

23 MEMBER SHUMWAY: I second that.

24 CHAIRPERSON BANIS: We have a motion and a
25 second to adopt the BLM's fee proposal as written. Do I

1 have further comment? Thank you, Don. Comment, if
2 you'd like to start off. It's your motion. Or we could
3 pass.

4 MEMBER HOUSTON: No comment.

5 MEMBER MUTH: Did you get her second?

6 CHAIRPERSON BANIS: I got Dinah's second.
7 Comments, Jessica? Are we okay?

8 MEMBER REILLY: I'm okay.

9 CHAIRPERSON BANIS: Kim?

10 MEMBER CAMPELL-ERB: We're recommending that
11 they adopt the fee proposal? Is that what we're doing?

12 MEMBER HOUSTON: Yes.

13 CHAIRPERSON BANIS: That's correct. The motion
14 moved and seconded is to adopt the fee proposal as
15 written. Okay. If there are no further questions, I'll
16 put the question to the DAC. Those in favor, please
17 signify by raising your hand. Jessica?

18 MEMBER REILLY: My hand is raised.

19 CHAIRPERSON BANIS: Jessica's hand is raised.
20 So any opposed?

21 (Vote was taken.)

22 CHAIRPERSON BANIS: None. We have a unanimous
23 passage on that motion. Thank you, Don.

24 Further motions for recommendations,
25 clarifications? I'd like to have the floor for a

1 moment. These fees that we're talking about are
2 authorized by the FLREA act. That's a law. That is up
3 for reauthorization in 2014. That entire law expires
4 next year. Congress needs to renew that law in order
5 for all of these fee programs to remain in place, so
6 there is confusion remaining between members of the
7 public and the BLM relative to the fee-collection
8 method.

9 We've heard that the BLM has sought its legal
10 advice on its method of collecting fees and is
11 comfortable with that. Nonetheless we've still had
12 questions from DAC members regarding, is this a fee for
13 an RV or for sand rail, or is it a sticker that goes on
14 the back of your helmet? Where does this -- it's my
15 opinion that the issues -- the fuzziness relative to
16 fee-collection methods should be addressed in this
17 reauthorization.

18 I think there are some on-the-ground realities
19 that ten years ago or more that were not made loud
20 enough or considered properly by Congress when
21 reauthorizing or when authorizing that. I think this is
22 an area that really needs to be talked about because
23 this is an individual special recreation permit. So I
24 would recommend that the -- I would recommend that we
25 urge the BLM to seek better guidance from the

1 reauthorization of FLREA with regard to fee-collection
2 methods.

3 MEMBER SHUMWAY: Are you looking for a second?

4 CHAIRPERSON BANIS: Looking for a second.

5 MEMBER CAMPELL-ERB: Second.

6 CHAIRPERSON BANIS: I have a second.

7 MEMBER REILLY: Second.

8 CHAIRPERSON: I'm sorry. I had a second from
9 Kim. Thanks, Jessica. Do I have comments? Jessica,
10 I'll turn to you first. Anything special?

11 MEMBER REILLY: Thank you for bringing that to
12 our attention. I just wanted to express my support for
13 that motion.

14 CHAIRPERSON BANIS: Further comments? Don?

15 MEMBER HOUSTON: I'd like to ask the designated
16 federal officer what would will happen if the act is not
17 reauthorized.

18 DIRECTOR RAML: I have no idea. I should say
19 that in the microphone. I have no idea.

20 CHAIRPERSON BANIS: Any further comments?
21 Seth?

22 MEMBER SHTEIR: I appreciate the motion. I
23 think it's -- I think it's good, but I believe the
24 motion should be a little more specific rather than just
25 better guidance. I think it needs to be more specific.

1 CHAIRPERSON BANIS: Pardon me. I agree. I
2 agree with you, Seth. But I'm going to state to those
3 publicly that I've spent far, far greater time reading
4 the owner's manual to guiding this boat through
5 treacherous waters than I have in trying to read and
6 decide on the issues and craft recommendations
7 themselves, and so I apologize that some of my own
8 personal comments aren't as well written out and perhaps
9 well presented as I'd like them to be. And I appreciate
10 that comment by acknowledging the shortcoming of that.
11 Is there a way that we can fix this here and now?

12 MEMBER SHTEIR: I was just wondering if you
13 could just maybe list some specific ways that you'd like
14 to see the guidance improve. I mean, that might be one
15 avenue of getting a more specific motion. So I'm not
16 opposed to the idea, certainly. I just --

17 CHAIRPERSON BANIS: The only thing that's
18 coming to mind for me might be inserting that it be in
19 recognition of on-the-ground reality and be in response
20 to real-world stories of implementation on the ground.

21 MEMBER SHTEIR: So do you want to say "best
22 practices" or "ground truthing"? Or I don't know how
23 you want to phrase it.

24 CHAIRPERSON BANIS: Kim, why don't you help me
25 with this. I'm stuck. Thanks, though.

1 MEMBER CAMPELL-ERB: That the Congress seek
2 input from the existing RRAC's in amending the FLREA,
3 because they are the people who are on the ground
4 working on these all the time. They are in a position
5 to understand the challenges and the maze that is the
6 regulations and the code regarding these fee increases.
7 I don't suggest that you put that last language there.
8 I'm just explaining why I suggest that we add that
9 language.

10 CHAIRPERSON BANIS: Yeah. Al?

11 MEMBER MUTH: I think this goes along the lines
12 of what Kim was just saying, but perhaps the
13 recommendation for clarification should be tied to the
14 input that we've received from the public, their
15 concerns, not just a broad-scale request but tie it to
16 the specifics.

17 CHAIRPERSON BANIS: Thank you. That's ringing
18 a bell for me. If I were to restate the motion that I
19 made and Dinah seconded, in hopes that it's a friendly
20 change, I would then recommend that BLM urge Congress in
21 the reauthorization of FLREA to consider in full the
22 public comments and advisory council comments and
23 provide better direction to on-the-ground implementation
24 of fees.

25 We have a strong record here today that I think

1 will be compelling when read, and I'm hoping that might
2 do it. Was that acceptable, Dinah?

3 MEMBER SHUMWAY: Yes.

4 CHAIRPERSON BANIS: Getting closer? Don?

5 MEMBER HOUSTON: I would just add one thing.
6 Typically on-the-ground implementation is done by
7 regulation, not by law. So I would add "by law and by
8 regulation."

9 CHAIRPERSON BANIS: It's acceptable to me. To
10 the seconder?

11 MEMBER SHUMWAY: Yes.

12 MEMBER REILLY: Yes.

13 CHAIRPERSON BANIS: How are we feeling on that?
14 Are we feeling good enough to move into a vote, if there
15 are no objections? Could I ask -- you know, actually
16 I'm going to try it. I'm going to restate that motion
17 because the more I say it, the more I'll believe it.

18 MEMBER CAMPBELL-ERB: Talk slowly.

19 CHAIRPERSON BANIS: Recommend that the BLM --
20 boy, I lost that really good word -- recommend that the
21 BLM -- I recommend that the BLM work with Congress in
22 the reauthorization of FLREA to take into consideration
23 the public comments and that of its advisory councils to
24 provide better guidance on fee collection through law
25 and regulation. Terrific. Thanks for letting us mix

1 that batch of dough. Let's bake it. Those in favor,
2 raise your hands. Jessica?

3 MEMBER REILLY: My hand is raised.

4 CHAIRPERSON BANIS: Thank you. Opposed?

5 (Vote was taken.)

6 CHAIRPERSON BANIS: None. Motion passes. Any
7 further recommendations? Sorry, folks. I'm on a roll.
8 You thought I was unprepared. I would like to see the
9 issue of the 2016 fee increase go to the DAC or a
10 recreation resource council before it is implemented. I
11 believe it would have to. I'm feeling fuzzy about --
12 I'm feeling uncomfortable about approving a fee increase
13 three years down the road, not that it couldn't happen,
14 not that it couldn't be necessary.

15 It seems that this increase is in the written
16 plan and built in if it's necessary that there would be
17 an increase in 2016. Because it's an increase, I would
18 think that would have to go to a Recreation Resource
19 Advisory Council. Maybe it doesn't.

20 MEMBER MUTH: Is it any change in fees? That
21 would include a decrease too.

22 CHAIRPERSON BANIS: The law does say that, when
23 there's an increase or a decrease in fees, the increase,
24 decrease or establishment or removal of a fee area.

25 MEMBER HOUSTON: I would correct that. I think

1 it's any new increase or new change, and since this has
2 already been approved, it's not new.

3 CHAIRPERSON BANIS: Is that how you feel on
4 that?

5 MEMBER HOUSTON: I think that's how the law is
6 worded.

7 CHAIRPERSON BANIS: I don't hear a second.
8 That one is dead.

9 All right. Any more recommendations? What
10 else have we got? We're here. The fee-collection costs
11 we've heard are -- we have a new program going into
12 effect. I'd like to see the DAC be patient and see the
13 results of that, how that turns out. No? Are we good?

14 I guess I would just close. If I could, I'm
15 just going to close with a couple of quick comments.
16 I'm not sure there are too many LEO's, when one out of
17 five contacts seems to result in a citation or a
18 warning. That seems to me to be --

19 MEMBER SHUMWAY: Mr. Chairman, what is an LEO?

20 CHAIRPERSON BANIS: Law enforcement officer. I
21 know there are a few accidents, the feeling that there
22 are few accidents statistically, but the response time
23 to accidents is, in my understanding, one of the single
24 most important factors in minimizing injury and saving
25 people's lives. Thanks. I'm just going through my

1 notes to make sure I've got everything off my chest,
2 because this is it. All right. Thank you.

3 I would just like to close my comments, if I
4 may, in this one way. Thank you to ASA's Nicole. Thank
5 you for your participation in all of this. Your letters
6 throughout the course of the years have been influential
7 on me, so thanks for staying involved.

8 I want to thank subgroup chair Tom Acuna for
9 graciously returning to the DAC's service. No one is
10 more suited to that task, and no one understands the
11 challenges of the DAC more than a former DAC chair. And
12 the BLM and the DAC are extremely fortunate to have his
13 continued involvement.

14 I'd like to thank former DAC member
15 Dick Holliday for introducing me to the world of FLREA
16 and the resulting rat's nest. I also want to thank
17 Jim Bramham for challenging my thinking on these issues
18 throughout the process. More than ten years ago during
19 my formulative days, Jim took me under his wing, and he
20 schooled me in OHV 101. And he served the DAC during my
21 days of knowing him on both the ISDRA and the Dumont
22 Dunes Subgroups even before they were subgroups. And
23 that makes me think at least twice when I find myself in
24 disagreement with Jim. So thanks to Jim too.

25 Thank you, all, also who took your time to

1 educate me and the rest of the DAC today. And I'm done
2 with my comments on this issue. Further comments? Any
3 other?

4 DIRECTOR RAML: I want to say one too.

5 CHAIRPERSON BANIS: Teri?

6 MR. BRAMHAM: I just want to make one point,
7 Randy. There's nothing to preclude you from making a
8 motion that would say you would approve the process
9 except the 2016 increase, that that would have to come
10 back to an RRAC. You could make that replacement motion
11 for the motion that's already passed, if you decided you
12 wish to do that.

13 CHAIRPERSON BANIS: I'm not finding a whole lot
14 of support here from this council on that particular
15 item, I'm afraid.

16 MEMBER MUTH: We're done.

17 CHAIRPERSON BANIS: Thank you, though. Kim,
18 Teri? Teri wanted to make a closing. Kim?

19 MEMBER CAMPELL-ERB: It wasn't on that item,
20 but I wanted to say something. I feel very, very, very
21 sympathetic with everyone who is upset at the increase
22 in fees. And I want you, the public, to know that my
23 bigger concern, maybe not bigger but a strong
24 consideration in the way I voted today, is because I
25 worry with the way the state of our federal deficits are

1 that, if we didn't approve the fees today, that we could
2 lose the Imperial Sand Dunes, and that is really the
3 basis for my approving it. And I think it was important
4 for me to let you know that. Thank you.

5 CHAIRPERSON BANIS: Last comments from the DAC?
6 Teri?

7 DIRECTOR RAML: Okay. I wanted to say a word.
8 One is, I really appreciate the DAC for taking this
9 Saturday to do it. I appreciate the subgroup. I think,
10 you know, it seems now that we've worked so hard at it,
11 it almost seemed like a little bit of a foregone
12 conclusion. But it wasn't, and there were several times
13 all of us didn't think we would get to this point.
14 Relationships were frayed. Tempers were frayed. And
15 more than once I found myself behaving poorly at times.
16 So I'm happy now to have reached this, and I thank all
17 of you for your good work and all the input that we
18 received, and we look forward to continuing to work with
19 you on it.

20 The last word I have to say is thanks to Neil
21 and Tom and Margaret Goodro in absentia, but you know,
22 this is not -- this is hard work for the Bureau too. We
23 don't particularly like to raise fees on the public, but
24 we feel we need to, and we appreciate the long journey
25 that got us to this point. And we look forward to

1 continuing to work with the subgroup.

2 Jim, thank you. You and I had our go-arounds
3 on this, and I think we got to good spot. I don't know
4 if we're shoulder to shoulder but close. So thank you
5 much.

6 CHAIRPERSON BANIS: Very good. Do I have a
7 motion to adjourn?

8 MEMBER JOHNSTON: So moved.

9 MEMBER MUTH: Second.

10 CHAIRPERSON BANIS: Moved by Ron Johnston,
11 seconded by Al Muth. Those in favor, raise your hand
12 Jessica?

13 MEMBER REILLY: My hand is raised.

14 (Vote was taken.)

15 CHAIRPERSON BANIS: Thank you very much,
16 Jessica. Meeting adjourned at 3:52.

17
18 (Whereupon, the proceedings were
19 concluded at 3:52 p.m.)

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21 ---o0o---

M O T I O N S

- A. Maker: Johnston
 Second: Shteir
 Motion: That the BLM has sought out and received public support to consider the recommendation for this action in the fee change
 Result: Motion carried
- B. Maker: Campbell-Erb
 Second: Shumway
 Motion: Recognizing that there remain real issues to work through, recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to possibly serve single-day visitors
 Result: Motion carried
- C. Maker: Campbell-Erb
 Second: Shumway
 Motion: Recognizing that there remain real issues to work through, recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to improve or expand the second-vehicle-pass program
 Result: Motion carried
- D. Maker: Campbell-Erb
 Second: Shumway
 Motion: Recognizing that there remain real issues to work through, recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to arrive at a solution for replacing a sticker if the vehicle is sold or totaled
 Result: Motion carried
- E. Maker: Houston
 Second: Shumway
 Motion: That the DAC as constituted as a Recreational Resource Advisory Council recommend that the BLM adopt the fee proposal as written
 Result: Motion carried

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M O T I O N S - (Continued)

F. Maker: Banis
 Second: Campbell-Erb
 Motion: Recommend that the BLM work with
 Congress in the reauthorization of FLREA to
 take into consideration the public comments
 and that of its advisory councils to provide
 better guidance on fee collection through
 law and regulation
 Result: Motion carried

G. Maker: Johnston
 Second: Muth
 Motion: To adjourn
 Result: Motion carried

CERTIFICATE

I, Diane Carver Mann, CSR No. 6008, in and for
the State of California, do hereby certify:

That the foregoing pages were taken down by me
in shorthand at the time and place stated herein and
represent a true and correct transcript of said
proceedings.

I further certify that I am not interested in
the event of the action.

Witness my hand this _____ day of
_____, 20____.

Certified Shorthand
Reporter in and for the
State of California